

JOURNAL  
OF THE  
SENATE

OF THE  
STATE OF KANSAS

FOR THE

2021 Legislative Session  
January 11 through May 26, 2021

HELD AT THE

STATE CAPITOL  
TOPEKA, KANSAS

COREY CARNAHAN, *Secretary of the Senate*



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*Governor*  
LAURA KELLY, Topeka

*Lieutenant Governor*  
DAVID TOLAND, Iola

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**OFFICERS OF THE SENATE**

2021 Regular Session

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<b>Ty Masterson, Andover</b> .....	President
<b>Rick Wilborn, McPherson</b> .....	Vice President
<b>Larry Alley, Winfield</b> .....	Majority Leader
<b>Dinah Sykes, Lenexa</b> .....	Minority Leader
<b>Corey Carnahan, Topeka</b> .....	Secretary
<b>Don Cackler, Lawrence</b> .....	Sergeant at Arms

**STATE SENATORS**  
**2021 LEGISLATIVE SESSION**  
**Members Listed Alphabetically**

Name	City	Party	Dist.
<b>Alley, Larry W.</b> .....	Winfield	Rep.	32
<b>Baumgardner, Molly</b> .....	Louisburg	Rep.	37
<b>Billinger, Richard</b> .....	Goodland	Rep.	40
<b>Bowers, Elaine S.</b> .....	Concordia	Rep.	36
<b>Claeys, J. R.</b> .....	Salina	Rep.	24
<b>Corson, Ethan</b> .....	Prairie Village	Dem.	7
<b>Dietrich, Brenda S.</b> .....	Topeka	Rep.	20
<b>Doll, John</b> .....	Garden City	Rep.	39
<b>Erickson, Renee</b> .....	Wichita	Rep.	30
<b>Fagg, Michael A.</b> .....	El Dorado	Rep.	14
<b>Faust-Goudeau, Oletha</b> .....	Wichita	Dem.	29
<b>Francisco, Marci</b> .....	Lawrence	Dem.	2
<b>Gossage, Beverly</b> .....	Eudora	Rep.	9
<b>Haley, David</b> .....	Kansas City	Dem.	4
<b>Hawk, Tom</b> .....	Manhattan	Dem.	22
<b>Hilderbrand, Richard</b> .....	Galena	Rep.	13
<b>Holland, Tom</b> .....	Baldwin City	Dem.	3
<b>Holscher, Cindy</b> .....	Overland Park	Dem.	8
<b>Kerschen, Dan</b> .....	Garden Plain	Rep.	26
<b>Kloos, Rick</b> .....	Topeka	Rep.	19
<b>Longbine, Jeff</b> .....	Emporia	Rep.	17
<b>Masterson, Ty</b> .....	Andover	Rep.	16
<b>McGinn, Carolyn</b> .....	Sedgwick	Rep.	31
<b>Olson, Robert (Rob)</b> .....	Olathe	Rep.	23
<b>O'Shea, Kristen</b> .....	Topeka	Rep.	18
<b>Peck, Virgil</b> .....	Havana	Rep.	15
<b>Petersen, Mike</b> .....	Wichita	Rep.	28
<b>Petty, Pat</b> .....	Kansas City	Dem.	6
<b>Pittman, Jeff</b> .....	Leavenworth	Dem.	5
<b>Pyle, Dennis</b> .....	Hiawatha	Rep.	1
<b>Ryckman, Ronald</b> .....	Meade	Rep.	38
<b>Steffen, Mark</b> .....	Hutchinson	Rep.	34
<b>Straub, Alicia</b> .....	Ellinwood	Rep.	33
<b>Suellentrop, Gene</b> .....	Wichita	Rep.	27
<b>Sykes, Dinah H.</b> .....	Lenexa	Dem.	21
<b>Thompson, Mike</b> .....	Shawnee	Rep.	10
<b>Tyson, Caryn</b> .....	Parker	Rep.	12
<b>Ware, Mary</b> .....	Wichita	Dem.	25
<b>Warren, Kellie</b> .....	Leawood	Rep.	11
<b>Wilborn, Rick</b> .....	McPherson	Rep.	35

**SENATE COMMITTEE ASSIGNMENTS  
2021 LEGISLATIVE SESSION**

**Standing Committees**

**Agriculture and Natural Resources (9)**

**8:30 am** **Room 144-S**  
Kerschen, *Chairperson*; Straub, *Vice Chairperson*; Alley, Doll, Fagg, McGinn,  
Peck.  
Ware, *Ranking Minority Member*; Francisco.

**Assessment and Taxation (9)**

**9:30 am** **Room 548-S**  
Tyson, *Chairperson*; Alley, *Vice Chairperson*; Baumgardner, Claeys, Kerschen,  
Kloos, Steffen.  
Holland, *Ranking Minority Member*; Corson.

**Commerce (9)**

**10:30 am** **Room 546-S**  
Olson, *Chairperson*; Steffen, *Vice Chairperson*; Doll, O'Shea, Peck, Straub, Tyson.  
Holland, *Ranking Minority Member*; Holscher.

**Confirmation Oversight (6)**

**On Call**  
Alley, *Chairperson*; Sykes, *Vice Chairperson*; Billinger, Masterson, Pettey,  
Wilborn.

**Education (9)**

**1:30 pm** **Room 144-S**  
Baumgardner, *Chairperson*; Erickson, *Vice Chairperson*; Dietrich, Gossage, Kloos,  
O'Shea, Straub.  
Sykes, *Ranking Minority Member*; Pettey.

**Federal and State Affairs (9)**

**10:30 am** **Room 144-S**  
Alley, *Chairperson*; Hilderbrand, *Vice Chairperson*; Dietrich, Kloos, Longbine,  
Petersen, Ryckman.  
Faust-Goudeau, *Ranking Minority Member*; Ware.

**Financial Institutions and Insurance (9)**

**9:30 am** **Room 546-S**  
Longbine, *Chairperson*; Fagg, *Co-Vice Chairperson*; Peck, *Co-Vice Chairperson*;  
Dietrich, Gossage, Hilderbrand, Olson.  
Holscher, Pittman, *Co-Ranking Minority Members*.

**Interstate Cooperation (7)**

**On Call**  
Masterson, *Chairperson*; Suellentrop, *Vice Chairperson*; Billinger, Hilderbrand,  
Wilborn.  
Holland, *Ranking Minority Member*; Holscher.

### **Judiciary (9)**

**10:30 am** **Room 346-S**  
Warren, *Chairperson*; Wilborn, *Vice Chairperson*; Baumgardner, Bowers, Gossage,  
Pyle, Thompson.  
Haley, *Ranking Minority Member*; Corson.

### **Local Government (11)**

**9:30 am (Tue/Thur)** **Room 142-S**  
McGinn, *Chairperson*; Bowers, *Vice Chairperson*; Doll, Erickson, Ryckman,  
Straub, Thompson, Warren.  
Francisco, *Ranking Minority Member*; Faust-Goudeau, Haley.

### **Organization, Calendar and Rules (3)**

**On Call**  
Masterson, *Chairperson*; Alley, Wilborn.

### **Public Health and Welfare (9)**

**8:30 am** **Room 142-S**  
Hilderbrand, *Chairperson*; Gossage, *Vice Chairperson*; Baumgardner, Erickson,  
O'Shea, Steffen, Thompson.  
Pettey, *Ranking Minority Member*; Holscher.

### **Redistricting (9)**

**On Call**  
Wilborn, *Chairperson*; Masterson, *Vice Chairperson*; Billinger, Erickson, Gossage,  
Hilderbrand, Kloos.  
Sykes, *Ranking Minority Member*; Corson.

### **Transparency and Ethics (11)**

**9:30 am (Monday, Wednesday, Friday)** **Room 142-S**  
Bowers, *Chairperson*; McGinn, *Vice Chairperson*; Doll, Erickson, Ryckman,  
Straub, Thompson, Warren.  
Faust Goudeau, *Ranking Minority Member*; Francisco, Haley.

### **Transportation (9)**

**8:30 am** **Room 546-S**  
Petersen, *Chairperson*; Claeys, *Vice Chairperson*; Bowers, Dietrich, Kloos, Pyle,  
Tyson.  
Hawk, *Ranking Minority Member*; Pittman.

### **Utilities (11)**

**1:30 pm** **Room 548-S**  
Thompson, *Chairperson*; Petersen, *Vice Chairperson*; Bowers, Claeys, Fagg, Olson,  
Pyle, Warren.  
Francisco, *Ranking Minority Member*; Corson, Hawk.

### **Ways and Means (9)**

**10:30 am** **Room 548-S**  
Billinger, *Chairperson*; Claeys, *Vice Chairperson*; Erickson, Fagg, Kerschen,  
McGinn, Suellentrop.  
Hawk, *Ranking Minority Member*; Pettey.

## **JOINT COMMITTEES OF THE SENATE AND HOUSE**

### **Administrative Rules and Regulations**

**On Call**

**(5 Senate – 7 House)**

Warren, *Vice Chairperson*; Corson, Faust-Goudeau, McGinn, Tyson.

*House Members*: Wasinger, *Chairperson*; Carmichael, *Ranking Minority Member*; Kuether, Newland, Sutton, Waggoner, Winn.

### **Child Welfare System Oversight**

**On Call**

**(6 Senate – 7 House)**

Hilderbrand, *Chairperson*; Baumgardner, Faust-Goudeau, Gossage, Holscher, O'Shea.

*House Members*: Concannon, *Vice Chairperson*; Carlson, Esau, Humphries, Johnson, Ousley, Ruiz.

### **Corrections and Juvenile Justice Oversight**

**On Call**

**(7 Senate – 7 House)**

Baumgardner, *Vice Chairperson*; Bowers, Corson, Doll, Erickson, Faust-Goudeau, O'Shea.

*House Members*: Jennings, *Chairperson*; Carlin, Finney, Highberger, *Ranking Minority Member*; Hoffman, Owens, Resman.

### **Fiduciary Financial Institutions Oversight**

**On Call**

**(4 Senate – 5 House)**

Longbine, *Vice Chairperson*; Fagg, Masterson, Pittman.

*House Members*: Kelly, *Chairperson*; Finney, Hoheisel, Owens, Xu.

### **Information Technology**

**On Call**

**(5 Senate – 5 House)**

Petersen, *Vice Chairperson*; Holland, Pittman, Pyle, Tyson.

*House Members*: Hoffman, *Chairperson*; Collins, Curtis, *Ranking Minority Member*; Huebert, Xu.

### **Kansas Security**

**On Call**

**(5 Senate – 5 House)**

Petersen, *Vice Chairperson*; Kloos, Peck, Pittman, Ware.

*House Members*: Smith, *Chairperson*; Baker, Houser, Ousley, Ruiz.

### **Legislative Budget**

**On Call**

**(3 Senate – 4 House)**

Billinger, *Vice Chairperson*; Claeys, Hawk.

*House Members*: Waymaster, *Chairperson*; Hoffman, Johnson, Moore.

**Legislative Coordinating Council**

**On Call (4 Senate – 4 House)**

Masterson, *Chairperson*; Alley, Sykes, Wilborn.

*House Members*: Ryckman, *Vice Chairperson*; Finch, Hawkins, Sawyer.

**Legislative Post Audit**

**On Call (5 Senate – 5 House)**

Corson, Olson, Thompson, Tyson, Ware.

*House Members*: Williams, *Chair*; Barker, Burroughs, Gartner, Toplikar.

**Pensions, Investments and Benefits**

**On Call (5 Senate – 8 House)**

Longbine, *Vice Chairperson*; Dietrich, Fagg, Holscher, Pettey.

*House Members*: Johnson, *Chairperson*; Borjon, Henderson, Kelly, Kuether, Tarwater, Turner, Xu.

**Robert G. (Bob) Bethell Joint Committee on  
Home and Community Based Services and KanCare Oversight**

**On Call (5 Senate – 6 House)**

Hilderbrand, *Chairperson*; Erickson, Gossage, Pettey, Steffen.

*House Members*: Landwehr, *Vice Chairperson*; Ballard, Carpenter, Concannon, Lynn, Ruiz.

**Special Claims Against the State**

**On Call (3 Senate – 4 House)**

Dietrich, *Chairperson*; Haley, Straub.

*House Members*: Ralph, *Vice Chairperson*; Humphries, Miller, Samsel.

**State Building Construction**

**On Call (5 Senate – 5 House)**

Billinger, *Vice Chairperson*; Clacys, Francisco, *Ranking Minority Member*; Hawk, Suellentrop.

*House Members*: Long, *Chairperson*; Alcalá, Houser, Humphries, Ousley.

**State-Tribal Relations**

**On Call (5 Senate – 5 House)**

Alley, *Chairperson*; Haley, *Ranking Minority Member*; Holland, Kerschen, Pyle.

Garber, *Vice Chairperson*; Awerkamp, Haswood, Victors, Wheeler.

**2021 Redistricting Advisory Group**

**On Call (3 Senate – 3 House)**

Masterson, *Chairperson*; Sykes, Wilborn.

Ryckman, *Vice Chairperson*; Hawkins, Sawyer.

**SENATE MEMBERS SHOWING COMMITTEE ASSIGNMENTS,  
RANK, TIME AND COMMITTEE ROOM, PARTY AND  
DISTRICT NUMBER, OFFICE ROOM AND TELEPHONE**

**Alley, Larry W.**

**Majority Leader**

Republican, District 32  
Room 136-E  
(785) 296-7381

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Confirmation Oversight	Chair	On Call	
Federal and State Affairs	Chair	10:30 am	144-S
State Tribal Relations (Joint)	Chair	On Call	
Assessment and Taxation	Vice Chair	9:30 am	548-S
Agriculture and Natural Resources	Member	8:30 am	144-S
Legislative Coordinating Council	Member	On Call	
Organization, Calendar and Rules	Member	On Call	

**Baumgardner, Molly**

Republican, District 37  
Room 445-S  
(785) 296-7368

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Education	Chair	1:30 pm	144-S
Corrections and Juvenile Justice Oversight (Joint)	Vice Chair	On Call	
Assessment and Taxation	Member	9:30 am	548-S
Child Welfare System Oversight (Joint)	Member	On Call	
Judiciary	Member	10:30 am	346-S
Public Health and Welfare	Member	8:30 am	142-S

**Billinger, Richard (Rick)**

Republican, District 40  
Room 545-S  
(785) 296-7399

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Ways and Means	Chair	10:30 am	548-S
Legislative Budget	Vice Chair	On Call	
State Building Construction (Joint)	Vice Chair	12:00 pm	159-S
Confirmation Oversight	Member	On Call	
Interstate Cooperation	Member	On Call	
Redistricting	Member	On Call	

**Bowers, Elaine**

Republican, District 36  
 Room 223-E  
 (785) 296-7389

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Transparency and Ethics	Chair	9:30 am M/W/F	142-S
Local Government	Vice Chair	9:30 am Tue/Thur	142-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Judiciary	Member	10:30 am	346-S
Transportation	Member	8:30 am	546-S
Utilities	Member	1:30 pm	548-S

**Claeys, J. R.**

Republican, District 24  
 Room 224-E  
 (785) 296-7670

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Transportation	Vice Chair	8:30 am	546-S
Ways and Means	Vice Chair	10:30 am	548-S
Assessment and Taxation	Member	9:30 am	548-S
Legislative Budget	Member	On Call	
State Building Construction (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

**Corson, Ethan**

Democrat, District 7  
 Room 125-E  
 (785) 296-7390

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Administrative Rules and Regulations (Joint)	Member	On Call	
Assessment and Taxation	Member	9:30 am	548-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Judiciary	Member	10:30 am	346-S
Legislative Post Audit	Member	On Call	
Redistricting	Member	On Call	
Utilities	Member	1:30 pm	548-S

**Dietrich, Brenda**

Republican, District 20

Room 223-E

(785) 296-7648

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Special Claims Against the State (Joint)	Chair	On Call	
Education	Member	1:30 pm	144-S
Federal and State Affairs	Member	10:30 am	144-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Pensions, Investments and Benefits (Joint)	Member	On Call	
Transportation	Member	8:30 am	546-S

**Doll, John**

Republican, District 39

Room 237-E

(785) 296-7694

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Agriculture and Natural Resources	Member	8:30 am	144-S
Commerce	Member	10:30 am	546-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Local Government	Member	9:30 am Tue/Thur	142-S
Transparency and Ethics	Member	9:30 am M/W/F	142-S

**Erickson, Renee**

Republican, District 30

Room 541-E

(785) 296-7476

**Assistant Majority Leader**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Education	Vice Chair	1:30 pm	144-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Local Government	Member	9:30 am Tue/Thur	142-S
Public Health and Welfare	Member	8:30 am	142-S
Redistricting	Member	On Call	
Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight	Member	On Call	
Transparency and Ethics	Member	9:30 am M/W/F	142-S
Ways and Means	Member	10:30 am	548-S

**Fagg, Michael**

Republican, District 14  
 Room 234-E  
 (785) 296-7678

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Financial Institutions and Insurance	Co-Vice Chair	9:30 am	546-S
Agriculture and Natural Resources	Member	8:30 am	144-S
Fiduciary Financial Institutions Oversight (Joint)	Member	On Call	
Pensions, Investments and Benefits (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S
Ways and Means	Member	10:30 am	548-S

**Faust-Goudeau, Oletha**

Democrat, District 29  
 Room 135-E  
 (785) 296-7387

**Assistant Minority Leader**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Federal and State Affairs	*R.M. Member	10:30 am	144-S
Transparency and Ethics	*R.M. Member	9:30 am M/W/F	142-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Child Welfare System Oversight (Joint)	Member	On Call	
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Local Government	Member	9:30 am Tue/Thur	142-S

**Francisco, Marci**

Democrat, District 2  
 Room 134-E  
 (785) 296-7364

**Agenda Chair**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Local Government	*R.M. Member	9:30 am Tue/Thur	142-S
State Building Construction (Joint)	*R.M. Member	On Call	
Utilities	*R.M. Member	1:30 pm	548-S
Agriculture and Natural Resources	Member	8:30 am	144-S
Transparency and Ethics	Member	9:30 am M/W/F	142-S

**Gossage, Beverly**

Republican, District 9

Room 237-E

(785) 296-7382

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Public Health and Welfare	Vice Chair	8:30 am	142-S
Child Welfare System Oversight (Joint)	Member	On Call	
Education	Member	1:30 pm	144-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Judiciary	Member	10:30 am	346-S
Redistricting	Member	On Call	
Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight	Member	On Call	

**Haley, David**

Democrat, District 4

Room 134-E

(785) 296-7376

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Judiciary	*R.M. Member	10:30 am	346-S
State Tribal Relations (Joint)	*R.M. Member	On Call	
Local Government	Member	9:30 am Tue/Thur	142-S
Special Claims Against the State (Joint)	Member	On Call	
Transparency and Ethics	Member	9:30 am M/W/F	142-S

**Hawk, Tom**

Democrat, District 22

Room 135-E

(785) 296-7360

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Transportation	*R.M. Member	8:30 am	546-S
Ways and Means	*R.M. Member	10:30 am	548-S
Legislative Budget	Member	On Call	
State Building Construction (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

**Hilderbrand, Richard**  
 Republican, District 13  
 Room 445-S  
 (785) 296-7370

**Majority Whip**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Child Welfare System Oversight (Joint)	Chair	On Call	
Public Health and Welfare	Chair	8:30 am	142-S
Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight	Chair	On Call	
Federal and State Affairs	Vice Chair	10:30 am	144-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Interstate Cooperation	Member	On Call	
Redistricting	Member	On Call	

**Holland, Tom**  
 Democrat, District 3  
 Room 134-E  
 (785) 296-7372

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Assessment and Taxation	*R.M. Member	9:30 am	548-S
Commerce	*R.M. Member	10:30 am	546-S
Interstate Cooperation	*R.M. Member	On Call	
Information Technology (Joint)	Member	On Call	
State Tribal Relations (Joint)	Member	On Call	

**Holscher, Cindy**  
 Democrat, District 8  
 Room 124-E  
 (785) 296-7659

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Financial Institutions and Insurance	*R.M. Member	9:30 am	546-S
Child Welfare System Oversight (Joint)	Member	On Call	546-S
Commerce	Member	10:30 am	546-S
Interstate Cooperation	Member	On Call	
Pensions, Investments and Benefits (Joint)	Member	On Call	
Public Health and Welfare	Member	8:30 am	142-S

**Kerschen, Dan**

Republican, District 26  
 Room 225-E  
 (785) 296-7353

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Agriculture and Natural Resources	Chair	8:30 am	144-S
Assessment and Taxation	Member	9:30 am	548-S
State Tribal Relations (Joint)	Member	On Call	
Ways and Means	Member	10:30 am	548-S

**Kloos, Rick**

Republican, District 19  
 Room 541-E  
 (785) 296-7645

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Assessment and Taxation	Member	9:30 am	548-S
Education	Member	1:30 pm	144-S
Federal and State Affairs	Member	10:30 am	144-S
Kansas Security (Joint)	Member	On Call	
Redistricting	Member	On Call	
Transportation	Member	8:30 am	546-S

**Longbine, Jeff**

Republican, District 17  
 Room 235-E  
 (785) 296-7367

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Financial Institutions and Insurance	Chair	9:30 am	546-S
Fiduciary Financial Institutions Oversight (Joint)	Vice Chair	On Call	
Pensions, Investments and Benefits (Joint)	Vice Chair	On Call	
Federal and State Affairs	Member	10:30 am	144-S

**Masterson, Ty**

Republican, District 16  
 Room 332-E  
 (785) 296-2419

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Interstate Cooperation	Chair	On Call	
Legislative Coordinating Council	Chair	On Call	
Organization, Calendar and Rules	Chair	On Call	
2021 Redistricting Advisory Group	Chair	On Call	
Redistricting	Vice Chair	On Call	
Confirmation Oversight	Member	On Call	
Fiduciary Financial Institutions Oversight (Joint)	Member	On Call	

**President**

**McGinn, Carolyn**

Republican, District 31  
 Room 541-E  
 (785) 296-7377

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Local Government	Chair	9:30 am Tue/Thur	142-S
Transparency and Ethics	Vice Chair	9:30 am M/W/F	142-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Agriculture and Natural Resources	Member	8:30 am	144-S
Ways and Means	Member	10:30 am	548-S

**Olson, Robert “Rob”**

Republican, District 23  
 Room 236-E  
 (785) 296-7358

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Commerce	Chair	10:30 am	546-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Legislative Post Audit (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

**O’Shea, Kristen**

Republican, District 18  
 Room 441-E  
 (785) 296-7656

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Child Welfare System Oversight (Joint)	Member	On Call	
Commerce	Member	10:30 am	546-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Education	Member	1:30 pm	144-S
Public Health and Welfare	Member	8:30 am	142-S

**Peck, Virgil**

Republican, District 15  
 Room 224-E  
 (785) 296-7742

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Financial Institutions and Insurance	Co-Vice Chair	9:30 am	546-S
Agriculture and Natural Resources	Member	8:30 am	144-S
Commerce	Member	10:30 am	546-S
Kansas Security (Joint)	Member	On Call	

**Petersen, Mike**

Republican, District 28  
 Room 345-S  
 (785) 296-7355

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Transportation	Chair	8:30 am	546-S
Information Technology (Joint)	Vice Chair	On Call	
Kansas Security (Joint)	Vice Chair	On Call	
Utilities	Vice Chair	1:30 pm	548-S
Federal and State Affairs	Member	10:30 am	144-S

**Petty, Pat**

Democrat, District 6  
 Room 125-E  
 (785) 296-7375

**Minority Whip**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Public Health and Welfare	*R.M. Member	8:30 am	142-S
Confirmation Oversight	Member	On Call	
Education	Member	1:30 pm	144-S
Pensions, Investments and Benefits (Joint)	Member	On Call	
Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight	Member	On Call	
Ways and Means	Member	10:30 am	548-S

**Pittman, Jeff**

Democrat, District 5  
 Room 124-E  
 (785) 296-7522

**Caucus Chair**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Fiduciary Financial Institutions Oversight (Joint)	*R.M. Member	On Call	
Financial Institutions and Insurance	*R.M. Member	9:30 am	546-S
Information Technology (Joint)	Member	On Call	
Kansas Security (Joint)	Member	On Call	
Transportation	Member	8:30 am	546-S

**Pyle, Dennis**

Republican, District 1  
 Room 234-E  
 (785) 296-7379

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Information Technology (Joint)	Member	On Call	
Judiciary	Member	10:30 am	346-S
State-Tribal Relations (Joint)	Member	On Call	
Transportation	Member	8:30 am	546-S
Utilities	Member	1:30 pm	548-S

**Ryckman, Ronald**

Republican, District 38  
 Room 236-E  
 (785) 296-7359

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Federal and State Affairs	Member	10:30 am	144-S
Local Government	Member	9:30 am Tue/Thur	142-S
Transparency and Ethics	Member	9:30 am M/W/F	142-S

**Steffen, Mark**

Republican, District 34  
 Room 235-E  
 (785) 296-6981

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Commerce	Vice Chair	10:30 am	546-S
Assessment and Taxation	Member	9:30 am	548-S
Public Health and Welfare	Member	8:30 am	142-S
Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight	Member	On Call	

**Straub, Alicia**

Republican, District 33  
 Room 237-E  
 (785) 296-7682

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Agriculture and Natural Resources	Vice Chair	8:30 am	144-S
Commerce	Member	10:30 am	546-S
Education	Member	1:30 pm	144-S
Local Government	Member	9:30 am Tue/Thur	142-S
Special Claims Against the State (Joint)	Member	On Call	
Transparency and Ethics	Member	9:30 am M/W/F	142-S

**Suellentrop, Gene**

Republican, District 27  
 Room 330-E  
 (785) 296-2497

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Interstate Cooperation	Vice Chair	On Call	
State Building Construction (Joint)	Member	On Call	
Ways and Means	Member	10:30 am	548-S

**Sykes, Dinah H.**

Democrat, District 21  
 Room 318-E  
 (785) 296-3245

**Minority Leader**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Confirmation Oversight	Vice Chair	On Call	
Education	*R.M. Member	1:30 pm	144-S
Redistricting	*R.M. Member	On Call	
Legislative Coordinating Council	Member	On Call	
2021 Redistricting Advisory Group	Member	On Call	

**Thompson, Mike**

Republican, District 10  
 Room 225-E  
 (785) 296-7362

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Utilities	Chair	1:30 pm	548-S
Judiciary	Member	10:30 am	346-S
Legislative Post Audit	Member	On Call	
Local Government	Member	9:30 am Tue/Thur	142-S
Public Health and Welfare	Member	8:30 am	142-S
Transparency and Ethics	Member	9:30 am M/W/F	142-S

**Tyson, Caryn**

Republican, District 12  
 Room 123-E  
 (785) 296-6838

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Assessment and Taxation	Chair	9:30 am	548-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Commerce	Member	10:30 am	546-S
Information Technology (Joint)	Member	On Call	
Legislative Post Audit	Member	On Call	
Transportation	Member	8:30 am	546-S

**Ware, Mary**

Democrat, District 25  
 Room 135-E  
 (785) 296-7391

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Agriculture and Nature Resources	*R.M. Member	8:30 am	144-S
Federal and State Affairs	Member	10:30 am	144-S
Kansas Security (Joint)	Member	On Call	
Legislative Post Audit	Member	On Call	

**Warren, Kellie**

Republican, District 11  
 Room 441-E  
 (785) 296-7646

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Judiciary	Chair	10:30 am	346-S
Administrative Rules and Regulations (Joint)	Vice Chair	On Call	
Local Government	Member	9:30 am Tue/Thur	142-S
Transparency and Ethics	Member	9:30 am M/W/F	142-S
Utilities	Member	1:30 pm	548-S

**Wilborn, Rick**

Republican, District 35  
 Room 341-E  
 (785) 296-7361

**Vice President**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Redistricting	Chair	On Call	
Judiciary	Vice Chair	10:30 am	346-S
Confirmation Oversight	Member	On Call	
Interstate Cooperation	Member	On Call	
Legislative Coordinating Council	Member	On Call	
Organization, Calendar and Rules	Member	On Call	
2021 Redistricting Advisory Group	Member	On Call	

\*Ranking Minority Member







**Constitutional Provisions  
Governing  
the  
Kansas Legislature**



**State of Kansas**



# KANSAS CONSTITUTIONAL PROVISIONS CONCERNING LEGISLATIVE POWERS

## Article 2.—LEGISLATIVE

§ 1. **Legislative power.**—The legislative power of this state shall be vested in a house of representatives and senate.

§ 2. **Senators and representatives.**—The number of representatives and senators shall be regulated by law, but shall not exceed one hundred twenty-five representatives and forty senators. Representatives and senators shall be elected from single-member districts prescribed by law. Representatives shall be elected for two year terms. Senators shall be elected for four year terms. The terms of representatives and senators shall commence on the second Monday of January of the year following election.

§ 3. **Compensation of members of legislature.**—The members of the legislature shall receive such compensation as may be provided by law or such compensation as is determined according to law.

§ 4. **Qualifications of members.**—During the time that any person is a candidate for nomination or election to the legislature and during the term of each legislator, such candidate or legislator shall be and remain a qualified elector who resides in his or her district.

§ 5. **Eligibility and disqualification of members.**—No member of congress and no civil officer or employee of the United States or of any department, agency, or instrumentality thereof shall be eligible to be a member of the legislature. Any member of the legislature who accepts any appointment or election contrary to the foregoing shall be disqualified as a member of the legislature.

§ 6. This section was eliminated by the 1974 revision of this article.

§ 7. This section was eliminated by the 1974 revision of this article.

§ 8. **Organization and sessions.**—The legislature shall meet in regular session annually commencing on the second Monday in January, and all sessions shall be held at the state capital. The duration of regular sessions held in even-numbered years shall not exceed ninety calendar days. Such sessions may be extended beyond ninety calendar days by an affirmative vote of two-thirds of the members elected to each house. Bills and concurrent resolutions under consideration by the legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next succeeding regular session held in an even-numbered year, as if there had been no such adjournment.

The legislature shall be organized concurrently with the terms of representatives except that the senate shall remain organized during the terms of senators. The president of the senate shall preside over the senate, and the speaker of the house of representatives shall preside over the house of representatives. A majority of the members then elected (or appointed) and qualified of the house of representatives or the senate shall constitute a quorum of that house. Neither house, without the consent of the other, shall adjourn for more than two days, Sunday excepted.

Each house shall elect its presiding officer and determine the rules of its proceedings, except that the two houses may adopt joint rules on certain matters and provide for the manner of change thereof. Each house shall provide for the expulsion or censure of members in appropriate cases.

Each house shall be the judge of elections, returns and qualifications of its own members.

**§ 9. Vacancies in legislature.**—All vacancies occurring in either house shall be filled as provided by law.

**§ 10. Journals.**—Each house shall publish a journal of its proceedings. The affirmative and negative votes upon the final passage of every bill and every concurrent resolution for amendment of this constitution or ratification of an amendment to the Constitution of the United States shall be entered in the journal. Any member of either house may make written protest against any act or resolution, and the same shall be entered in the journal without delay or alteration.

**§ 11.** This section was eliminated by the 1974 revision of this article.

**§ 12. Origination by either house.**—Bills and concurrent resolutions may originate in either house, but may be amended or rejected by the other.

**§ 13. Majority for passage of bills.**—A majority of the members then elected (or appointed) and qualified of each house, voting in the affirmative, shall be necessary to pass any bill. Two-thirds (2/3) of the members then elected (or appointed) and qualified in each house, voting in the affirmative, shall be necessary to ratify any amendment to the Constitution of the United States or to make any application for congress to call a convention for proposing amendments to the Constitution of the United States.

**§ 14. Approval of bills; vetoes.**—(a) Within ten days after passage, every bill shall be signed by the presiding officers and presented to the governor. If the governor approves a bill, he shall sign it. If the governor does not approve a bill, the governor shall veto it by returning the bill, with a veto message of the objections, to the house of origin of the bill. Whenever a veto message is so received, the message shall be entered in the journal and in not more than thirty calendar days (excluding the day received), the house of origin shall reconsider the bill. If two-thirds of the members then elected (or appointed) and qualified shall vote to pass the bill, it shall be sent, with the veto message, to the other house, which shall in not more than thirty calendar days (excluding the day received) also reconsider the bill, and if approved by two-thirds of the members then elected (or appointed) and qualified, it shall become a law, notwithstanding the governor's veto.

If any bill shall not be returned within ten calendar days (excluding the day presented) after it shall have been presented to the governor, it shall become a law in like manner as if it had been signed by the governor.

(b) If any bill presented to the governor contains several items of appropriation of money, one or more of such items may be disapproved by the governor while the other portion of the bill is approved by the governor. In case the governor does so disapprove, a veto message of the governor stating the item or items disapproved, and the reasons therefor, shall be appended to the bill at the time it is signed, and the bill shall be

returned with the veto message to the house of origin of the bill. Whenever a veto message is so received, the message shall be entered in the journal and, in not more than thirty calendar days, the house of origin shall reconsider the items of the bill which have been disapproved. If two-thirds of the members then elected (or appointed) and qualified shall vote to approve any item disapproved by the governor, the bill, with the veto message, shall be sent to the other house, which shall in not more than thirty calendar days also reconsider each such item so approved by the house of origin, and if approved by two-thirds of all the members then elected (or appointed) and qualified, any such item shall take effect and become a part of the bill.

**§ 15. Requirements before bill passed.**—No bill shall be passed on the day that it is introduced, unless in case of emergency declared by two-thirds of the members present in the house where a bill is pending.

**§ 16. Subject and title of bills; amendment or revival of statutes.**—No bill shall contain more than one subject, except appropriation bills and bills for revision or codification of statutes. The subject of each bill shall be expressed in its title. No law shall be revived or amended, unless the new act contain the entire act revived or the section or sections amended, and the section or sections so amended shall be repealed. The provisions of this section shall be liberally construed to effectuate the acts of the legislature.

**§ 17. Uniform operation of laws of a general nature.**—All laws of a general nature shall have a uniform operation throughout the state: *Provided*, The legislature may designate areas in counties that have become urban in character as “urban areas” and enact special laws giving to any one or more of such counties or urban areas such powers of local government and consolidation of local government as the legislature may deem proper.

**§ 18. Election or appointment of officers; filling vacancies.**—The legislature may provide for the election or appointment of all officers and the filling of all vacancies not otherwise provided for in this constitution.

**§ 19. Publication of acts.**—No act shall take effect until the enacting bill is published as provided by law.

**§ 20. Enacting clause of bills; laws enacted only by bill.**—The enacting clause of all bills shall be “Be it enacted by the Legislature of the State of Kansas:”. No law shall be enacted except by bill.

**§ 21. Delegation of powers’ of local legislation and administration.**—The legislature may confer powers of local legislation and administration upon political subdivisions.

**§ 22. Legislative immunity.**—For any speech, written document or debate in either house, the members shall not be questioned elsewhere. No member of the legislature shall be subject to arrest—except for treason, felony or breach of the peace—in going to, or returning from, the place of meeting, or during the continuance of the session; neither shall he be subject to the service of any civil process during the session, nor for fifteen days previous to its commencement.

§ 23. This section was eliminated by the 1974 revision of this article.

§ 24. **Appropriations.**—No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law.

§ 25. This section was eliminated by the 1974 revision of this article.

§ 26. This section was repealed by the adoption of 1972 HCR 1097, on Aug. 1, 1972.

§ 27. **Impeachment.**—The house of representatives shall have the sole power to impeach. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall take an oath to do justice according to the law and the evidence. No person shall be convicted without the concurrence of two-thirds of the senators then elected (or appointed) and qualified.

§ 28. **Officers impeachable; grounds; punishment.**—The governor and all other officers under this constitution, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

§ 29. This section was eliminated by the 1974 revision of this article.

§ 30. **Delegations to interstate bodies.**—The legislature may confer legislative powers upon interstate bodies, comprised of officers of this state or its political subdivisions acting in conjunction with officers of other jurisdictions, relating to the functions thereof. Any such delegation, and any agreement made thereunder shall be subject to limitation, change or termination by the legislature, unless contained in a compact approved by the congress.

**Rules  
of the  
Kansas Senate**



**State of Kansas**

**2021-2024**

**January 2021**



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# RULES OF THE SENATE

## 2021-2024

**Rule 1. Time of Meetings.** The Senate on the first day of a session shall convene at 2:00 p.m., and at all other times shall convene at 2:30 p.m., unless otherwise ordered by the Senate.

**Rule 2. Convening – Quorum – Assuming Duties of Chair.** (a) The President shall take the chair at the hour fixed for the convening of the Senate, and the roll shall be called in order to ascertain if a quorum is present. A majority of the Senators then elected (or appointed) and qualified shall constitute a quorum, and, in the absence of a quorum, the Senators present, by majority vote, may take such measures as they shall deem necessary to secure the presence of a quorum.

(b) In the absence of the President, the Vice President shall assume the duties of the President. The President or Vice President may also name any Senator to temporarily perform the duties of the chair, but the Senator so named shall not act as President beyond adjournment, unless by leave of the Senate. A Senator shall not lose the right of voting on any subject while serving or acting as President.

**Rule 3. Absence of Member.** No Senator shall fail to attend when the Senate is in session without first obtaining leave of the Senate, unless prevented from attending by sickness or other sufficient cause.

**Rule 4. Order of Business and Session Proforma.** The order of business, following the roll call and prayer by the Chaplain, shall be as follows:

1. Introduction and reference of bills and concurrent resolutions.
2. Consideration of messages from the Governor.
3. Communications from state officers.
4. Consideration of messages from the House of Representatives.
5. Consideration of motions to concur or nonconcur.
6. Reports of select committees.
7. Consent Calendar.
8. Final Action on bills and concurrent resolutions.
9. Introduction of original motions and senate resolutions.
10. Correction and approval of the Journal.
11. Consideration of motions and senate resolutions.
12. Reports of standing committees.
13. General orders.

The Senate may meet from time to time for the sole purpose of processing routine business of the Senate. These sessions shall be known as Session Proforma.

(1) Time of Meeting. Session Proforma shall be announced at least one legislative day in advance with the hour for meeting Proforma set on the previous legislative day.

(2) Order of Business. The only orders of business that may be considered during Session Proforma are:

- (a) Introduction and reference of bills and concurrent resolutions.
- (b) Receipts of messages from the Governor.

- (c) Communications from state officers.
- (d) Receipt of messages from the House of Representatives.
- (e) Reports of select and standing committees.
- (f) Presentation of petitions.
- (3) Motions. No motion shall be in order other than the motion to adjourn.
- (4) Objections. Any objection by any member shall require the Session Proforma to adjourn to the next day, Saturday and Sunday excluded, at 2:30 p.m.
- (5) Quorum and Roll. There shall be no requirement for a quorum or taking of the roll. No demand for a roll call for a quorum shall be in order.
- (6) Effect of Certain Rules. If a legislative day referred to in Rule 11, 12, 28, 32, 33, 53, 56, 68 or 69 occurs on a legislative day which is also the day on which a Session Proforma is held, the term "legislative day" as used in such rule means the next legislative day subsequent to the legislative day on which the Session Proforma is held.

The presentation of petitions shall be a special order of business on Friday of each week immediately preceding the regular order of business.

**Rule 5. Business in Order at Any Time.** Messages from the Governor, messages from the House of Representatives, introduction and reference of bills and concurrent resolutions, reports of standing committees and reports of select committees may be received and considered under any order of business.

**Rule 6. Special Order.** Whenever any bill or other matter is made the special order for a particular day, and shall not be reached or completed on that day, it shall be returned to its place in the General Orders, unless it shall be made the special order for another day. When any special order is under consideration, it shall take precedence over any special order for a subsequent hour of the same day, but such subsequent special order shall be taken up immediately after the previous order has been disposed of. Notation of a special order shall be placed before the first order of business on the calendar for that day, giving the subject to be considered and the time fixed for its consideration. When that time arrives, other business shall be suspended until the special order has been considered.

**Rule 7. Standing Committees.** (a) There shall be a standing committee named the Committee on Organization, Calendar and Rules which shall consist of three members, the chairperson of which shall be the president of the Senate, and the vice chairperson of which shall be the majority leader of the Senate. The Vice President of the Senate shall be a member of the committee. No bill or resolution other than resolutions adopting, amending or revoking rules of the Senate or Joint Rules of the Senate and House of Representatives, shall be introduced by or be referred to the Committee on Organization, Calendar and Rules.

(b) The following shall be the other standing committees:

	Number of members
1. Agriculture and Natural Resources.....	9
2. Assessment and Taxation.....	9
3. Commerce.....	9
4. Confirmation Oversight .....	6

5. Education..... 9  
 6. Federal and State Affairs..... 9  
 7. Financial Institutions and Insurance..... 9  
 8. Interstate Cooperation..... 7  
 9. Judiciary..... 9  
 10. Local Government..... 11  
 11. Public Health and Welfare..... 9  
 12. Redistricting..... 9  
 13. Transparency and Ethics..... 11  
 14. Transportation..... 9  
 15. Utilities..... 11  
 16. Ways and Means..... 9

(c) The president of the Senate, with the advice of the majority leader and the vice president of the Senate, shall appoint the members of each committee, shall appoint the chairperson and vice chairperson or vice chairpersons thereof and shall designate the ranking minority member of each committee. The minority leader shall submit recommendations for the appointment of minority members to the standing committees of the Senate to the Committee on Organization, Calendar and Rules. The Committee on Organization, Calendar and Rules shall have a standing subcommittee on calendar which shall be the president of the Senate, the vice president of the Senate and the majority leader of the Senate. The Majority Leader shall be the chairperson of the subcommittee. The Committee on Organization, Calendar and Rules may establish such other subcommittees of the Committee on Organization, Calendar and Rules as the Committee deems appropriate.

(d) The Committee on Organization, Calendar and Rules shall have a standing subcommittee on rules which shall be the president of the Senate, the vice president of the Senate, the majority leader of the Senate, one member of the Senate from the majority party appointed jointly by the president of the Senate, the vice president of the Senate and the majority leader of the Senate and one member who shall be the minority leader of the Senate or the designee of the minority leader. The chairperson of the subcommittee on rules shall be the vice president of the Senate. The subcommittee on rules shall consider rules questions arising during a convening of the Senate.

(e) The Committee on Organization, Calendar and Rules and all of its subcommittees may close their meetings.

(f) The two major political parties shall have proportional representation on each standing committee other than the Committee on Organization, Calendar and Rules. In the event application of the preceding sentence results in a fraction, the party having a fraction exceeding 0.5 shall receive representation as though such fraction were a whole number.

(g) The Senate standing Committee on Agriculture and Natural Resources shall constitute the successor committee to the Senate standing Committee on Agriculture and the Senate standing Committee on Natural Resources for purposes of references in statutory and other documents. The Senate standing Committee on Ethics, Elections and Local Government shall constitute the successor committee to the Senate standing

Committee on Ethics and Elections and the Senate standing Committee on Local Government.

(h) For purposes of references in statutes and other documents, the Senate standing Committee on Local Government shall constitute the successor committee to the Senate standing Committee on Ethics, Elections and Local Government regarding local government matters and the Senate standing Committee on Transparency and Ethics shall constitute the successor committee to the Senate standing Committee on Ethics, Elections and Local Government regarding ethics and election matters.

**Rule 8. Special and Select Committees.** Special and Select committees of the Senate and the Chairperson thereof shall be appointed by the President.

**Rule 9. Standing Committees – Duties of Chairperson, etc.** (a) The chairperson of each committee shall preside at all meetings of the committee. The chairperson may designate another member to preside in the absence of the chairperson and vice chairperson.

(b) The chairperson of each committee may call a special meeting of the committee when necessary.

(c) The chairperson shall have full charge of the committee.

(d) The chairperson of each committee shall cause minutes of each meeting of the committee to be prepared, subject to approval of the committee within 14 session days or by sine die adjournment, whichever is earlier. The Senate portion of the Legislature's website and the minutes shall show the name of the member, person, state or local agency, organization or entity that requested a bill or resolution for introduction, the action taken by the committee upon each bill or resolution considered and the amendments, if any, voted upon and the disposition of each, whether adopted or not. At the request of the author of a bill or resolution or any amendment to a bill or resolution, or on request of any member of the committee, the intent of the author shall be stated in the committee minutes. At the conclusion of each legislative session, copies of all committee minutes shall be filed with the Director of Legislative Administrative Services.

**Rule 10. Vote in Senate Committee.** At the time of taking any action upon any bill or resolution, any member of a committee may demand a division of the vote and the chairperson shall be required to record the number of votes for and against the action as a part of the minutes.

**Rule 11. Committee Action on Bills and Resolutions.** (a) A committee may recommend that the Senate act favorably, unfavorably or without recommendation upon any measure or may recommend amendments to measures referred to it which are germane to the subject of the measure. If a committee recommends amendments to a bill or resolution referred to it which strike out all of the material in the bill or resolution subsequent to the enacting clause or resolving clause and inserts new material, and the bill or resolution was sponsored by an individual member or members, the committee becomes the sponsor of the bill or resolution and the committee name will be printed on the bill or resolution as the sponsor. Committee recommendations shall be made by committee report to the Senate. Committee reports shall be signed by the chairperson,

and shall be transmitted to the Senate not later than the second legislative day following the action of the committee.

(b) When a committee fails to report on any bill or resolution following reference to such committee, it may be withdrawn from the committee by an affirmative vote of 24 members of the Senate on a motion made as provided in this subsection. Such a motion shall be made in writing, giving the reasons for withdrawal from the committee. Such motion shall be made under the order of business introduction and notice of original motions and Senate resolutions. Only one bill or resolution may be named in such a motion. The motion shall be read by the reading clerk or the member making the motion and shall be printed in the calendar of the next legislative day under the order of business consideration of motions and Senate resolutions offered on a previous day. The motion shall be considered on the legislative day following the day it is made. If the motion prevails, the bill or resolution shall be placed on the calendar under the order of business General Orders.

(c) Motions to withdraw a bill or resolution from a committee are not subject to amendment or debate.

**Rule 12. Adversely Reported Bills and Resolutions.** All bills or resolutions adversely reported shall go upon the Calendar for one day, under the head of Bills Adversely Reported. A motion to place an adversely reported bill (or resolution) under the order of business General Orders on the Calendar shall be made when the bill (or resolution) is upon the Calendar and shall be made when Introduction of Original Motions and Senate Resolutions is in order, and that motion shall then lie over until the next legislative day when the order of business Consideration of Motions and Senate Resolutions is reached, but if such motion is defeated once it shall not be renewed. If an adversely reported bill or resolution has been previously referred separately under Rule 32 (authorizing the reference of the same bill or resolution to two or more standing committees), then the motion shall be to return the adversely reported bill (or resolution) with the committee report attached to the next committee to which it was referred. If the motion to place the bill (or resolution) on the Calendar under the order of business General Orders or to return the bill (or resolution) to the next committee of reference shall prevail, then the words "Adversely Reported" shall be printed in a line underneath the title of the bill or resolution, and to prevail such motion shall require an affirmative vote of 24 members of the Senate.

**Rule 13. When Bill or Concurrent Resolution Placed on General Orders.** When a bill or a concurrent resolution to amend the constitution has been reported to the Senate by a committee with the recommendation that it pass or be adopted, it shall immediately be placed on the Calendar under the order of business General Orders.

**Rule 14. Address the President – To Be Recognized – Speak But Twice on the Same Subject.** Every Senator rising to debate or to present any matter shall address the President and shall not proceed until recognized. When two or more Senators shall address the President at the same time, the President shall name the Senator who is to speak first. No Senator, except for the Senator who is carrying a bill, resolution or report, shall speak more than twice on the same day on the same subject without leave of the Senate.

**Rule 15. No Senator Shall Be Interrupted.** No Senator, when speaking shall be interrupted except by a call to order by the presiding officer, or by a Senator through the presiding officer, desiring to ask a question. If a Senator speaking yields to a question, the interruption shall be confined solely to such question. Senators shall be referred to as "the Senator from \_\_\_\_\_" (naming the Senator's home county) followed by the Senator's title and name.

**Rule 16. Personal Privilege.** Senators raising a point of personal privilege shall confine themselves to remarks which concern themselves personally and shall not address or debate matters under consideration by the Senate.

**Rule 17. Questions of Order – How Determined.** A question of order may be raised at any time and when a Senator shall be called to order the Senator shall stop speaking until the presiding officer has determined whether the Senator was in order. Every question of order shall be decided by the presiding officer, subject to an appeal to the Senate by any member. The vote on an appeal to the Senate under this rule shall not be a roll call vote. Every appeal on a question of order shall be taken without debate.

**Rule 18. Explaining Votes.** Senators may explain their votes only after every Senator first has had the opportunity to vote. Thereafter, an explanation of vote may be heard followed by the opportunity for any Senator to change their vote before the roll is closed and the tally of the vote is recorded. Not more than two minutes shall be allowed for any explanation. The explanation shall be inserted in the Journal if the Senator makes a request at the time of voting or makes a request of the Secretary of the Senate prior to adjournment, and the written explanation is presented to the Secretary of the Senate during or within two hours following that day's adjournment on the same legislative day. No Senator in explaining a vote may use the name of or otherwise identify any other Senator as part of the explanation without the consent of the other Senator. No written explanation shall contain more than 200 words. If the written explanation contains more than 200 words, only the first 200 words of the explanation shall be printed in the journal.

**Rule 19. Vote Unless Excused – Contempt.** Any Senator, who is directly interested in a question, may be excused from voting, even though there is a call of the Senate. The Senator, who is requesting to be excused from voting, shall state the reasons for the request, occupying not more than five minutes. Such statements shall be made either immediately before or immediately after the vote is called but before the result is announced. The question on excusing any Senator from voting shall be taken without debate and a majority of those voting shall be necessary to excuse the Senator. If a Senator refuses to vote, when not excused, such refusal shall constitute contempt and the President shall, in such case, order the offending Senator before the bar of the Senate and all privileges of membership shall be refused such Senator until the contempt is corrected as determined by vote of the Senate.

**Rule 20. When Not Permitted to Vote.** No Senator shall be allowed to vote unless the Senator is seated in the Senator's assigned seat within the Senate chamber when the vote is taken.

**Rule 21. Filling Certain Vacancies.** (a) When a vacancy occurs in the office of President and the Legislature is adjourned to a date more than 60 days after the occurrence of the vacancy, the Senate shall meet within 30 days and elect a member to fill the vacancy. The Vice President shall within 10 days of such occurrence issue a call for the meeting at a time not less than 10 days and not more than 20 days after the date of the call.

(b) When a vacancy occurs in the office of Vice President or majority leader of the Senate, and the Legislature is adjourned to a date more than 30 days after the occurrence of the vacancy, the President shall appoint an acting Vice President or acting majority leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled as though the acting interim appointment had not been made.

(c) When a vacancy occurs in the office of minority leader of the Senate and the Legislature is adjourned to a date more than 30 days after the occurrence of the vacancy, the assistant minority leader shall become the acting minority leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled as though the acting minority leader had not so served.

(d) It is the intention of this rule that any person elected, appointed or designated to serve in accordance herewith to fill a vacancy shall exercise all of the duties and powers of the office so filled.

**Rule 22. Party Affiliation – Change.** If any Senator changes political party affiliation: (1) From the political party of such Senator at the time of the Senator's election; or (2) if the Senator was appointed, from the political party of the district convention which elected such person to be so appointed, the following shall apply:

(a) Such Senator shall be removed from all memberships on standing and other committees, from all positions of chairperson or vice chairperson of a standing or other committee, and from any office of the Senate held at the time of such change. The Committee on Organization, Calendar and Rules shall appoint a Senator to fill any vacancy which arises under this subpart (a).

(b) The proportion of Senators from major political parties on each standing committee originally determined under Rule 7 (providing for proportional representation of members of political parties upon standing committees) shall not be altered. The Committee on Organization, Calendar and Rules shall fill each standing committee member position vacated by such Senator by appointing a Senator of the political party from which such Senator changed.

**Rule 23. Open Meetings Provisions.** The open meeting law (K.S.A. 75-4317 et seq., and amendments thereto) shall apply to meetings of the Senate and all of its standing committees, select committees, special committees and subcommittees of any of such committees. Caucuses of Senate majority and minority parties and meetings of the Committee on Organization, Calendar and Rules and its subcommittees may be closed.

**Rule 24. Motions in Writing.** All motions to amend bills and resolutions shall be made in writing, and upon request of any Senator shall be read by the reading clerk before being voted upon. All other motions shall be reduced to writing when desired by any Senator.

**Rule 25. Motions Withdrawn.** Any motion may be withdrawn by the maker before amendment or decision is made thereon except as the foregoing is modified by Rule 40 (relating to procedure in the committee of the whole).

**Rule 26. Motions in Order When Question Under Debate.** When a question is under debate, no motion shall be in order, except:

Not Debatable

1. To fix time to which to adjourn.
2. To adjourn.
3. To lay on the table.
4. For the previous question.
5. To recess to a time certain.

Debatable

6. To postpone to a day certain.
7. To commit to a standing committee.
8. To commit to a special committee.
9. To commit to the Committee of the Whole.
10. To amend.
11. To postpone indefinitely.

The several motions specified in this rule shall have precedence in the order named and the first five shall be decided without debate.

**Rule 27. Division of Question.** (a) If the question in debate contains several points, any Senator may have the same divided, but a motion to strike out and insert shall be indivisible. When a bill or resolution is under consideration in the Senate and after debate is concluded and final action has been announced on the bill or resolution, a request for division of question shall not be in order.

(b) A request for division of question shall be in writing specifying the manner in which the question is to be divided.

(c) The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert another proposition, nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

**Rule 28. Reconsideration of Pending Matters.** When a question has been once put and decided it shall be in order for any Senator who voted with the prevailing side to move for a reconsideration thereof, but no motion for reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, nor shall any motion for reconsideration be in order unless made on the same day on which the vote was taken or the next legislative day. No question shall be reconsidered more than once.

**Rule 29. Previous Questions.** Ten Senators shall have the right to move the previous question on any bill, resolution, message, report, amendment, or motion. If no amendment is pending the previous question shall be as follows: "Shall the main question be now put?" If the previous question is decided in the affirmative by a majority vote of

those present, the main question shall be put without further amendment or debate. If amendments are pending a motion for the previous question shall concern only the last amendment that is pending on which, if the previous question is adopted, the debate will be closed only upon such amendment. The previous question on other questions than the main question shall be as follows: "Shall the question on the (amendment, amendment of an amendment, substitute or other motion affecting same as the case may be) now be put?"

**Rule 30. Endorsement on Bills, etc.** Before any bill, resolution or petition, addressed to the Senate, shall be received or read, the title of the bill or resolution or a brief statement of the contents of the petition shall be typed on the jacket, with the name of the Senator or committee introducing it.

**Rule 31. Introduction of Bills and Concurrent Resolutions.** Every bill and concurrent resolution shall be introduced by a Senator, by a committee, on the report of a committee, by message from the House of Representatives, or by proper prefiling as provided by law. For the purpose of introduction, every bill and concurrent resolution shall be placed in the possession of the secretary and the reading clerk shall read the title, except citations of statutes amended or repealed. The reading clerk shall also read the name of the sponsor of the bill or resolution if it has a single sponsor. If the bill or resolution has two sponsors the reading clerk shall read the names of both sponsors, but if the bill or resolution has more than two sponsors the reading clerk shall read the name of the first sponsor together with the words "and others."

**Rule 32. Reference of Bills and Resolutions.** All bills and resolutions shall be referred or rereferred to appropriate standing committees, special or select committees appointed under Rule 8 or the Committee of the Whole by the President. Upon the day of its introduction or upon the next legislative day, the President shall refer every bill and each concurrent resolution to be referred to the appropriate standing committee, special or select committees appointed under Rule 8 or the Committee of the Whole. Bills or resolutions prefiled under K.S.A. 46-801 et seq., and amendments thereto, may be referred by the President to the appropriate standing committee, special or select committees appointed under Rule 8 or the Committee of the Whole at any time subsequent to the prefiling of such bill or resolution with the secretary of the senate. Bills introduced by committees, if germane to the purpose and scope of the committee, may be referred to the Committee of the Whole; otherwise to the appropriate standing committee or special or select committees appointed under Rule 8. All bills making an appropriation shall be referred to the Committee on Ways and Means. The President may refer a bill or resolution to two or more standing committees or special or select committees appointed under Rule 8, or any combination thereof, jointly, or separately, in such order as the President may direct, and such bill or resolution, when so referred, shall be considered by the committees in joint meeting, or by each of the committees separately in the order named in the reference, and when the reference is made jointly, the chairperson of the committee named first shall be chairperson of the joint committee.

**Rule 33. Consent Calendar and Recording Reports.** Whenever a standing committee is of the opinion that a bill or resolution upon which it is reporting is of non-

controversial nature, it shall so state in its committee report. Whenever a bill or resolution is so reported, it shall be placed upon a separate calendar, to be known as the Consent Calendar. Each bill or resolution appearing on the Consent Calendar shall remain thereon for at least two full legislative days before being considered under the order of business Final Action. At any time prior to the call for the vote under the order of business Final Action on a bill or resolution on the Consent Calendar, any member may object to the same as being controversial and the same shall be stricken from the Consent Calendar and take its place on General Orders in the usual order. If no such objection is made prior to the call for such vote on the bill or resolution, it shall be voted upon with other bills and resolutions under the order of business Final Action but before consideration of other bills or resolutions appearing on the calendar under such order of business.

**Rule 34. Final Action on Bills and Concurrent Resolutions.** On final action on any bill or concurrent resolution, the reading clerk shall read the title, except citations to statutes amended or repealed. If the bill is reported for final action without debate, the question shall be at once put: "Shall the bill pass?" No debate shall be allowed, and no motion shall be in order except the motion for a call of the Senate, unless in case where a bill has been ordered to be placed on final action subject to amendment, or to amendment and debate or unless by the unanimous consent of the Senate, amendments may be made and considered. Like procedure shall apply to concurrent resolutions except that the question put shall be: "Shall the resolution be adopted?" On final action, bills and resolutions may be bulked together for roll call unless objection be made by any Senator.

**Rule 35. Final Passage by Yeas and Nays.** The question upon the final passage of a bill and every concurrent resolution for amendment of the constitution of Kansas or ratification of an amendment to the Constitution of the United States shall be taken by a roll call vote of the yeas and nays, which shall be entered on the Journal, and unless the bill or concurrent resolution receives the number of votes required by the constitution to pass it, it shall be declared lost, except in cases provided for in Rule 36 (relating to the absence of a quorum).

**Rule 36. No Quorum on Final Vote – Effect.** If, on taking the vote on final action on a bill or concurrent resolution, it shall appear that a quorum is not present, then the bill or concurrent resolution shall retain its place on the Calendar and shall again be considered for final action when that order of business is again taken up by the Senate.

**Rule 37. Roll Call Vote.** A roll call vote shall be taken upon all questions upon the demand of five Senators.

**Rule 38. Call of Senate – When Made – How Enforced.** (a) A call of the Senate may be had upon the demand of five Senators, pending a roll call on the final passage of any bill or resolution, or on any motion to strike the enacting clause of a bill or the resolving clause of a resolution, or indefinitely postpone any bill or resolution, and before the result is announced. When a call is demanded, the President shall order the doors of the Senate to be closed and all members to be in their seats unless excused by the President. The President shall direct the Secretary to call the roll of the Senators and note the absentees, after which the names of the absentees shall be again called, and those for whose absence no sufficient excuse is given may be sent for and taken into custody by

the Sergeant at Arms, or by Assistant Sergeants at Arms appointed for the purpose, and brought before the bar of the Senate, where unless excused by a majority of the Senators present, they shall be reprovved by the President for the neglect of duty.

(b) No motion to dispense with further proceedings under the call of the Senate shall be entertained until the President shall be satisfied that the Sergeant at Arms has made diligent effort to secure the attendance of the absentees.

**Rule 39. Roll Call Votes.** Every Senator in the Senate chamber when a roll call is taken shall respond when the Senator's name is called. If there is a call of the Senate, the Senator must vote Yea or Nay, except as provided in Rule 19 (Senators excused from voting if directly interested in the question). When there is no call of the Senate, the Senator may pass and shall be recorded in the Journal as present and passing. After the roll is completed and before the roll is closed, a Senator may change such Senator's vote. No vote shall be recorded and no change in vote may be made without unanimous consent of the Senate after announcement by the presiding officer that the roll is closed. No motion shall be in order during a roll call vote except as provided under Rule 34 for final action on bills and concurrent resolutions and except for a call of the Senate.

**Rule 40. Committee of the Whole.** On motion the Senate may go into Committee of the Whole. The President shall appoint a chairperson to preside over the Committee of the Whole. The rules of the Senate shall be observed in the Committee of the Whole, so far as applicable except that there shall be no limit on the number of times of speaking and Rule 38 (authorizing a call of the senate) shall not apply. A motion to lay on the table or a call for the previous question shall not be in order. No substitute motion to amend a bill or resolution shall be in order. A substitute motion to report a bill or resolution to the full Senate once made shall be decided subject only to debate and Rule 50 (motion to strike the enacting or resolving clause). A roll call shall be had on any question subject to the requirements of Rule 37.

**Rule 41. No Quorum in Committee of the Whole – Procedure.** If at any time, when in Committee of the Whole, it be ascertained that there is no quorum present, the chairperson shall immediately vacate the chair and report the fact to the President.

**Rule 42. How Bills or Resolutions Considered – Committee of the Whole.** Bills or resolutions shall be considered in Committee of the Whole in the following manner: The standing committee report shall first be considered and if it is adopted the bill or resolution as amended by the committee report shall be considered section by section, and as each section is considered, amendments from the floor are in order to that section. If the committee report is not adopted, the bill or resolution, without committee amendments, shall be considered section by section, and as each section is considered amendments from the floor are in order to that section. After a section has been considered, no amendment thereto shall be in order until the whole bill or resolution has been read through. After the original bill or resolution, together with standing committee amendments, has been considered section by section the chairperson shall announce "Amendments to the bill (or resolution) generally are in order," and amendments not before offered may be made to any part of the bill or resolution. A motion to amend the

bill or resolution shall not be in order while a motion to strike the enacting clause or resolving clause is pending.

**Rule 43. Amendments.** (1) Amendments to bills shall be germane to the subject of the bill being amended, and the fact that an amendment is to a section in the same chapter of the Kansas Statutes Annotated as an existing section in the bill shall not automatically render the amendment germane. Amendments to concurrent resolutions for amendments of the constitution of Kansas or ratification of an amendment to the Constitution of the United States shall be germane to the subject of the resolution being amended.

(2) All amendments to bills or resolutions shall be submitted in writing on a form provided by the Senate or on a form substantially similar. All amendments to printed bills or resolutions shall specify the page and line number as shown on the printed bill or resolution. If a bill or resolution has not been printed, amendments must refer to the typed bill or resolution. All amendments adopted shall be recorded in the Journal. The action taken on all amendments, whether adopted or rejected, shall be recorded in the Journal. When a bill or resolution has been amended, it shall be engrossed before it is enrolled.

(3) In the case of amendment by substitute bill or by substitute concurrent resolution, motion shall be made to substitute a written bill or concurrent resolution for the bill or concurrent resolution under consideration.

(4) A motion to amend a motion to amend a bill or resolution shall not be in order.

(5) Unless by majority consent to correct an error in drafting, no amendment to increase the amount of expenditures that would be authorized in a provision of an appropriations bill shall be in order unless the amendment contains a provision reducing, by a like or greater amount, expenditures that would be authorized in another provision of such appropriations bill. Those portions of a motion to amend a bill as described in this subsection shall be indivisible.

**Rule 44. Report of Committee of the Whole Subject to Amendment – Time for.** The report of the Committee of the Whole is subject to amendment to correctly reflect what has occurred in the Committee of the Whole by motions made at the time the report is offered for adoption by the Senate. When a bill is reported with the recommendation that the enacting clause be stricken, and the report is agreed to by the Senate, the bill shall be considered killed.

**Rule 45. Motion for Committee of the Whole to Rise and Report Progress.** A motion that the Committee of the Whole shall rise and report progress on any bill shall always be in order and shall be decided without debate, and the matter being considered shall be the first order of business at the next session of the committee, subject to such postponement as the subsequent Committee of the Whole may determine. After a motion to rise and report progress has been adopted, the Subcommittee on Calendar of the Committee on Organization, Calendar and Rules may change for the resumption of the current session of the Committee of the Whole the order of consideration of bills and resolutions.

**Rule 46. Division of the Senate.** Whenever a voice vote has been taken upon any question in either the Senate or the Committee of the Whole, any Senator may call for a division of the Senate or Committee of the Whole.

**Rule 47. Bills and Resolutions to Final Action.** When the Committee of the Whole shall favorably report a bill or resolution, and the report is adopted by the Senate, the bill or resolution shall be considered as ordered to the order of business Final Action. The vote upon the final passage of the bill shall not be taken on the same day on which the bill is placed on Final Action. Bills and resolutions to be sent to the House shall be properly corrected under the supervision of the Secretary of the Senate. The Secretary of the Senate is authorized to correct misspelled words, punctuation and "doublets" or repeated words when preparing bills, resolutions or other documents for signature by officers of the Senate and House.

**Rule 48. Bills and Resolutions – Inclusion of Amendments.** When a bill or resolution is amended, the Secretary of the Senate shall attach to the original copy all amendments made in the Senate. Substitute bills and substitute concurrent resolutions shall accompany the bill or concurrent resolution for which each is substituted. Upon passage, Senate bills or resolutions, including the original copy and amendments, shall be transmitted to the House.

**Rule 49. Reports of Transmittals in Journal – Committee – Reports.** Report of transmittal of bills and resolutions to the House shall be immediately entered upon the Journal.

**Rule 50. Motion to Strike Enacting or Resolving Clause – Debate Limited.** No Senator may speak more than twice on a motion to strike the enacting clause of a bill or the resolving clause of a resolution, and no other motion, except a motion to adjourn, shall be in order until the motion to strike the enacting clause or resolving clause has been decided by roll call vote.

**Rule 51. Two-thirds Vote Not Necessary Except on Final Passage of Resolution.** When a resolution requiring a vote of  $2/3$  of the Senate for adoption is under consideration, a vote of  $2/3$  shall not be needed to decide any question short of its final passage, except as provided by these rules.

**Rule 52. Bills and Resolutions Considered in Regular Order.** The Subcommittee on Calendar of the Committee on Organization, Calendar and Rules shall designate from day to day and from time to time the bills and resolutions to be considered that day and on the next legislative day, and the order of consideration fixed by this subcommittee shall not be changed, except by unanimous consent or by a  $2/3$  vote of all the members of the Senate then elected (or appointed) and qualified, if unanimous consent is refused, or as provided in Rule 44.

**Rule 53. Changing Order on Calendar.** Not more than one bill or resolution may be named in a motion to change the order of the Calendar, and on each motion no Senator except the Senator making the motion shall speak more than once, nor longer than two minutes.

**Rule 54. Resolutions – Classes – Procedures Thereon.** Resolutions shall be of the following classes: (1) Senate resolutions; and (2) Senate concurrent resolutions. In acting on them, the Senate shall observe the following procedure:

(1) Senate resolutions shall be in writing, shall be read and shall lie over one day. Senate resolutions other than resolutions for the amendment of rules of the Senate shall not be printed unless ordered by the Senate. There shall be no roll call unless ordered. With the consent of the majority of Senators present and voting, either the requirement to read Senate resolutions or the requirement to lie over one day, or both, may be dispensed with.

(2) Senate concurrent resolutions shall be in writing, shall be read by title, and shall lie over one day. All Senate concurrent resolutions shall be printed, and shall require a roll call on motion to adopt. Propositions to amend the constitution shall be made by concurrent resolution and referred to the proper committee. Other concurrent resolutions may be referred to a proper committee by the President.

(3) Notwithstanding any other rule of the Senate to the contrary, no Senator shall request and be the primary sponsor of more than three Senate resolutions or concurrent resolutions which congratulate, commemorate, commend, honor or are in memory of any individual, entity or event during a legislative session of the Senate, except upon approval of the President.

All House concurrent resolutions, when in the Senate, shall follow the same procedure as Senate concurrent resolutions.

This rule shall not apply to resolutions relating to the business of the day, nor to resolutions for organization or adjournment.

**Rule 55. Confirmation of Appointments by Governor or Other State Official.** All nominations or appointments made by the governor or other state official, which are subject to Senate confirmation, may be considered and acted upon by the Senate in either executive or regular session except that no final action thereon may be taken in executive session. When nominations or appointments are made by the governor or other state official for confirmation by the Senate, they shall, unless otherwise ordered by the President, be referred to appropriate committees by the President. Nominations or appointments referred to committees shall be returned to the Senate within 20 legislative days after the same are referred, together with a report thereon, unless additional time be granted by a majority vote of senators present. If the nomination or appointment is not returned to the Senate within the period of time specified for its return and additional time has not been granted, the nomination or appointment shall be considered to be returned to the Senate without recommendation on the next legislative day following the last day of the period of time specified for its return. Any such appointment may be considered and acted upon by the Senate at any time after the nomination or appointment is returned to the Senate. The chairperson of the committee which recommends for confirmation a nomination or appointment may speak more than twice on the same day on the subject of the nomination or appointment. No motion to confirm any such appointment or nomination shall be in order without the unanimous consent of the Senate until the nomination or appointment is returned to the Senate, unless one day's previous notice thereof is given in open session or by posting the appointments or nominations to be considered near the entrance to the Senate chamber. Appointments shall be confirmed by the Senate only by an affirmative vote of a majority of all members of the Senate then elected (or appointed) and qualified.

**Rule 56. Admittance to Floor – Lobbying on Floor – Galleries.** No person shall be admitted to the floor of the Senate except elective state officers; members of the Legislature; friends of the members of the Senate, upon invitation signed by the President and the Senator extending the invitation; former members of the Senate, officers and employees of the legislative branch, and members of the news media who are actually employed, and who have a card of admission from the President. The Senate by resolution, may issue such invitations as it desires. Persons so admitted must stay in the perimeter of the Senate chamber except with the express permission of a member of the Senate. No one registered with the Secretary of State as an agent or lobbyist may be on the floor of the Senate during the hours of 9:30 a.m. to 4:30 p.m. nor at the time the Senate is in session. No person, other than a state officer or employee of the legislative branch or legislator, shall discuss any measure with any Senator on the floor of the Senate during the time the Senate is in session. Any person who violates this rule or any person who shall gain admission to the floor of the Senate by false representation shall be forthwith ejected from the Senate chamber and thereafter be denied admission. No employee shall lobby for or against any measure pending in the Senate, and any employee violating this rule shall be forthwith discharged. Former members of the Senate may be introduced when on the floor, but no other introductions shall be made during the session of the Senate, except the President may announce the attendance of school students or other groups visiting the Senate.

Visitors shall be allowed in one or both galleries of the Senate in accordance with directions to the Sergeant at Arms from the President.

**Rule 57. Electronic Devices; Photographic Record of Vote; Food and Drink.** (a) The making of telephone calls in the galleries of the Senate is prohibited. Except for security personnel, the use of wireless electronic telecommunications devices emitting an audible sound or tone to announce or initiate communications in a committee room during any time when a committee or subcommittee is in session in the room, in the galleries during any time when the Senate is in session and in the Senate Chamber during any time the Senate is in session is prohibited. The use of video recorders, cellular devices used as a video recording device or other video equipment in the galleries is prohibited, except for the official live feed of Senate proceedings or as granted by permission of the President. Flash photography and the possession of food or drink in the galleries is prohibited.

(b) No photographic or similar record shall be made of the vote of any member upon any measure on which a division of the Senate has been called, except that any photographic or similar record made by the official live video feed of Senate proceedings, the credentialed media or as granted permission by the President shall be permitted.

(c) The gallery located above the offices of the President and the Majority Leader shall be considered the President's gallery. Enforcement of this rule in the President's gallery shall be subject to the discretion of the President.

**Rule 58. Chairs of Senators.** No person except a member of the Senate, shall occupy the chair of any Senator at any time except with the approval of and in the presence of a member of the Senate.

**Rule 59. The News Media.** Employees of the news media displaying a card of admission from the President may only occupy space designated for them in the Senate chamber. They shall be subject to all the rules of the Senate and shall conduct themselves with proper decorum while in the Senate chamber. They shall not lobby, directly or indirectly, for or against any measure pending before the legislature.

**Rule 60. Secretary of Senate – Duties.** The Secretary of the Senate shall be appointed by the President. It shall be the duty of the Secretary to call the roll; report correctly the result of all votes; correct the Journal as may be directed by the Senate; read all bills, resolutions, petitions or other papers which the Senate may require; deliver all messages to the House of Representatives; certify all enrolled bills and present same to the President or Vice President of the Senate for signature; endorse upon every paper presented in the Senate the successive stages of action had thereon, and see that proper records are made of the transmission of every paper from one house to the other, or from one office to another; and attend generally to such other matters as the office may require. The Secretary of the Senate shall deliver to the printer all bills and other documents ordered to be printed and take the receipt of the printer therefor. In order to secure a uniform and systematic procedure, the following clerks and their assistants shall be under the supervision of the Secretary: Assistant Secretary of the Senate, Journal Clerks, Calendar Clerks, Enrolling Clerks, Bill Status Clerk, Reading Clerk and Bill Clerk.

**Rule 61. Impeachment.** The provisions of this rule shall apply to impeachment, and nothing in the rules of the Senate or in any statute shall impair or limit the powers of the Senate with respect to impeachment. In addition to other powers, the President shall possess the powers and perform the duties in this rule.

(1) The President shall call the Senate into session within 30 days of the receipt by the President of any request by a board of managers of the House of Representatives to lay articles of impeachment before the Senate.

(2) The Senate by a majority vote of the members then elected (or appointed) and qualified may adopt, amend or suspend rules applicable to trial of any impeachment.

(3) The President and any officer or committee acting under authority of this rule may follow any statutory procedure to the extent the same is not in conflict with the provisions of this rule, but nothing in this rule nor in any statute shall be deemed to constitute a waiver of any inherent powers of the Senate.

**Rule 62. Sergeant at Arms – Duties.** The Sergeant at Arms shall be appointed by the President, and shall serve under the President's direction, control and supervision and at the President's pleasure and shall execute all orders of the President or Senate. The Sergeant at Arms shall have the general supervision of the Senate Chamber, the cloak rooms, gallery and lobby, and shall preserve order within the chamber at all times. The Sergeant at Arms may arrest and take into custody any person gaining admission to the floor of the Senate through false representations or violation of Rule 56 (listing persons authorized to be admitted to the floor of the Senate). All violations shall be immediately reported to the President for action by the Senate. No person except those entitled to admittance on the floor of the Senate pursuant to Rule 56 (listing persons authorized to be admitted to the floor of the Senate) shall lounge or loaf in the Senate chamber when the

Senate is not in session, and the Sergeant at Arms shall detail at least one assistant to remain in the chamber at all times when the same is open. The President may appoint and remove Assistant Sergeants at Arms to serve under the supervision of the Sergeant at Arms. All doorkeepers and night watchmen shall be Assistant Sergeants at Arms.

**Rule 63. Requisitions for Printing.** All requisitions upon the Director of Printing for calendars, bills, documents, and printed matter of any nature whatsoever, must be approved by the Director of Legislative Administrative Services.

**Rule 64. Employees – Duties.** All employees shall report each day to their respective supervisors. The Director of Legislative Administrative Services or some person designated by the director shall keep a record of the attendance of each employee. The supervisor of an employee may discharge the employee at any time. The word "employee" as used in this section shall include all persons employed by the Senate, except the secretaries of each of the members of the Senate and except the Secretary of the Senate and Sergeant at Arms, which officers may be removed by the President of the Senate.

**Rule 65. Pages.** Not more than 20 pages shall serve during any legislative day. Appointments shall be restricted to boys and girls of middle school, junior high or high school age.

**Rule 66. Secretaries to Members.** Each Senator shall be entitled to select a secretary and shall inform the Director of Legislative Administrative Services of the selection. The secretaries shall not be paid for time they are not in attendance unless excused by their respective Senators. From the convening of the Senate until adjournment on any day, except during recesses, no Senator's secretary shall be stationed at the Senator's desk, except that this provision shall not apply to the administrative assistant designated by the President.

**Rule 67. Suspension of Rules.** (a) A motion to suspend the rules may be made and considered under any order of business. A 2/3 affirmative vote of all Senators then elected (or appointed) and qualified shall be required for its adoption. The motion shall be decided without debate.

(b) A motion to declare an emergency, suspend the rules, and advance a bill to Final Action shall be considered as one motion. It may be made and considered immediately under any order of business, and be debatable on the question of the emergency. A 2/3 affirmative vote of all Senators then elected (or appointed) and qualified shall be required for its adoption.

(c) A bill advanced to Final Action under subsection (b) which is not considered during the legislative day on which it is advanced to Final Action shall be placed on the next legislative day on the Calendar under the order of business General Orders.

**Rule 68. Amendments to Rules.** No rule of the Senate shall be adopted, amended or revoked without a 2/3 affirmative vote of all members of the Senate then elected (or appointed) and qualified, and no motion to adopt, amend or revoke any rule of the Senate shall be in order without the unanimous consent of the Senate, unless one day's previous notice thereof shall be given in open session.

Notwithstanding any provision of the rules of the Senate to the contrary, no notice shall be required for the adoption of a resolution adopting, amending or revoking any one or more rules of the Senate at the commencement of a legislative session, and adoption of any such resolution shall require only the affirmative vote of not less than a majority of the Senators then elected (or appointed) and qualified, subject to the following conditions: (1) The resolution is sponsored by the President or any three Senators, and (2) either (a) a copy thereof is emailed to each Senator not later than 11:00 p.m. on the Thursday preceding the Monday on which the legislative session is to commence or (b) in lieu of e-mailing copies of the resolution are made available to Senators on the first day of the legislative session and Final Action is taken on the second legislative day.

**Rule 69. Robert's Rules of Order.** In all cases where these rules or the joint rules of the Senate and House of Representatives do not apply, the rules of parliamentary law in Robert's Rules of Order Newly Revised, 11th edition, shall govern.

**Rule 70. Number Designation of Substitute Bills and Substitute Concurrent Resolutions.** (a) Whenever a substitute bill is recommended by a committee report, and whenever a substitute bill is approved by amendment from the floor, the substitute bill shall be printed as provided for bills introduced, and the bill number designation shall be substantially as follows:

(1) In the case of bills substituted for Senate bills, "Substitute for Senate Bill No. \_\_\_\_\_," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

(2) In the case of bills substituted for House bills, "Senate Substitute for House Bill No. \_\_\_\_\_," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

(b) Whenever a substitute concurrent resolution is recommended by a committee report, and whenever a substitute concurrent resolution is approved by amendment from the floor, the substitute concurrent resolution shall be printed as provided for concurrent resolutions introduced, and the resolution number designation shall be substantially as follows:

(1) In the case of concurrent resolutions substituted for Senate concurrent resolutions, "Substitute for Senate Concurrent Resolution No. \_\_\_\_\_," and the blank shall be filled with the number of the concurrent resolution for which substitution is made or recommended.

(2) In the case of concurrent resolutions substituted for House concurrent resolutions, "Senate Substitute for House Concurrent Resolution No. \_\_\_\_\_," and the blank shall be filled with the number of the concurrent resolution for which substitution is made or recommended.

**Rule 71. General Rule Not to Read Amendments.** Amendments to bills or resolutions shall not require readings as for bills introduced or resolutions introduced, except as otherwise provided in Rule 72 (subject matter of bill or resolution materially changed by senate amendment) or Rule 73 (subject matter of senate bill or resolution materially changed by house amendment).

**Rule 72. Subject Change by Senate.** Whenever an amendment adopted by the Senate has materially changed the subject of a bill or resolution, the title of the bill or resolution so amended shall be read in the manner prescribed for the introduction of bills or resolutions, and take its place upon the Calendar under the order of business Final Action.

**Rule 73. Subject Change by House.** Whenever the House adopts amendments to a Senate bill or senate concurrent resolution which materially changes its subject, upon return of such bill or resolution to the Senate, the title of such bill or resolution shall be read in the manner prescribed for the introduction of bills or resolutions and such bill or resolution shall be referred as provided in Rule 32 (reference of bills and resolutions).

**Rule 74. Determination of When Subject of Bill or Resolution Materially Changed.** The President may determine when a bill or resolution is subject to Rule 72 (subject matter of bill or resolution materially changed by senate amendment) or Rule 73 (subject matter of senate bill or senate concurrent resolution materially changed by house amendment). The President's determination under this rule, that a bill or resolution has been materially changed is subject to an appeal to the Senate by any member. A 2/3 vote of the members of the Senate present and voting shall be required to overturn the ruling of the chair. The vote on an appeal to the Senate under this rule shall not be a roll call vote. Every appeal under this rule shall be taken without debate.

**Rule 75. Executive Reorganization Orders.** When an executive reorganization order is received from the Governor, it shall be referred to an appropriate committee by the President. The committee to which an executive reorganization order is referred shall report its recommendations thereon, by recommending adoption of a Senate resolution, not later than the 60th calendar day of any regular session and not later than 30 calendar days after it has received such referral whichever occurs first. If a committee fails to report upon an executive reorganization order within the time specified in this rule, such committee shall be deemed to have returned the same to the Senate without recommendation. When a report or return of an executive reorganization is made, it and all resolutions for approval or disapproval thereof shall be made the special order of business in accordance with Rule 6 (special order of business) at a time not later than the last day the executive reorganization order may be disapproved under section 6 of article 1 of the Constitution of Kansas. The Senate shall act to approve or reject every reorganization order unless at the time set for such action the House of Representatives shall have already rejected such executive reorganization order.

**Rule 76. Censure or Expulsion.** Whenever three or more Senators desire to lodge a complaint against any other Senator requesting that the Senator be censured or expelled for misconduct, the complaining Senators shall sign and file a written statement of such complaint with the Secretary of the Senate. In such event, the President shall appoint a select committee for consideration thereof composed of five Senators, no more than three of whom shall be members of the same political party, and none of whom shall have signed the complaint to be considered. The select committee may dismiss the complaint after inquiry or may set the matter for hearing. Reasonable notice and an opportunity to appear shall be afforded the Senator against whom a complaint has been filed. Select

committees meeting under authority of this section shall be authorized to meet and exercise compulsory process without further authorization, subject only to the limitations and conditions prescribed in article 10 of chapter 46 of Kansas Statutes Annotated. Upon completing its hearing and deliberations thereon the select committee may dismiss the complaint or may submit a recommendation to the full Senate for censure or expulsion, and upon receiving such report the Senate may without further hearing or investigation censure or expel the member against whom the complaint was filed. Censure or expulsion of a Senator under this rule shall require a 2/3 majority vote of those members elected (or appointed) and qualified.

**Rule 77. Taking from the Table.** The affirmative vote of a 2/3 majority of all Senators then elected (or appointed) and qualified shall be required for the adoption of a motion to take any question or proposition from the table after the adoption of a motion to table or lay such question or proposition on the table. The provisions of this rule shall apply to motions both in standing committees and the Senate.

**Rule 78. Placing Material on Members' Desks.** No items or material shall be placed upon the desk of any member of the Senate unless any such item or material bears the signature or name of the Senator responsible for its distribution. This Rule 78 shall not apply to items or material provided by legislative staff, the Governor or state agencies.

**Rule 79. Decorum.** During the time the Senate is in session professional dress is required on the floor of the Senate.

**Joint Rules  
of the  
Senate and  
House of Representatives**



**State of Kansas**

**2021-2022**



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# JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES 2021-2022

**Joint rule 1. Joint rules; application and date of expiration; adoption, amendment, suspension and revocation.** (a) Joint rules; expiration, adoption, amendment, suspension and revocation; vote required. Joint rules are adopted under the authority of section 8 of article 2 of the Constitution of the State of Kansas and shall govern matters made subject thereto except when otherwise specifically provided by joint rule. Joint rules shall expire at the conclusion of the terms of representatives. Joint rules shall be adopted, amended, suspended and revoked by concurrent resolution of the two houses of the legislature. Concurrent resolutions adopting joint rules shall receive the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house.

(b) *Amendment, suspension or revocation of joint rules; previous notice; vote required.* After one day's previous notice, joint rules may be amended, suspended or revoked by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house. Upon the filing of such notice in either house, a message shall be sent to the other house advising of the filing of such notice and the reading of the message shall constitute notice to the members of such house. If such previous notice is not given, the affirmative vote of  $\frac{2}{3}$  of the members then elected (or appointed) and qualified in each house shall be required for the amendment, suspension or revocation of a joint rule.

(c) *Amendment, suspension or revocation of joint rules at commencement of legislative session; vote required; conditions.* Notwithstanding any provision of this rule to the contrary, no notice shall be required for the adoption of a concurrent resolution amending, suspending or revoking any one or more joint rules at the commencement of a legislative session, and adoption of any such concurrent resolution shall require only the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house, subject to the following conditions: (1) The concurrent resolution is sponsored by the speaker or the president; and (2) either: (a) A copy thereof is mailed to each member of the legislature by deposit in the United States mails not later than 11:00 p.m. on the Thursday preceding the Monday on which the legislative session is to commence; or (b) in lieu of mailing, copies of the concurrent resolution are made available to members on the first day of the legislative session and final action is taken on a subsequent legislative day.

**Joint rule 2. Joint sessions.** (a) *Joint session called by concurrent resolution; vote required; time, place and subject matter.* A joint session of the senate and house of representatives may be called by concurrent resolution adopted by the affirmative vote of not less than a majority of the members elected (or appointed) and qualified in each house of the legislature or as may otherwise be prescribed by law. Any such resolution shall fix the time and place of the joint session, and the subject matter to be considered at the joint

session. Joint sessions shall consider only such matters as are prescribed by law or by the concurrent resolution calling such joint session.

(b) *Presiding officer at joint sessions; record of joint session; rules applicable.* The speaker of the house of representatives shall preside at all joint sessions of the senate and house of representatives, and the clerk of the house of representatives shall keep a record of the proceedings thereof and shall enter the record of each such session in the journal of the house of representatives. The rules of the house of representatives and the joint rules of the two houses, insofar as the same may be applicable shall be the rules for joint sessions of the two houses.

(c) *Votes in joint session; taking; requirements.* All votes in a joint session shall be taken by yeas and nays, and in taking the same it shall be the duty of the secretary of the senate first to call the names of the members of the senate, and after which the clerk of the house of representatives shall in like manner call the names of the members of the house. Each member of the senate and the house of representatives present shall be required to vote on all matters considered in joint session, unless excused by a vote of a majority of the members of both houses present.

**Joint rule 3. Conference committee procedure.** (a) *Action by house of origin of bill or concurrent resolution amended by other house.* When a bill or concurrent resolution is returned to the house of origin with amendments by the other house, the house of origin may: (1) Concur in such amendments; (2) refuse to concur in such amendments; or (3) refuse to concur in such amendments and request a conference on the bill or concurrent resolution.

(b) *Concurrence by house of origin; concurrence prior to taking action on conference committee report by other house; final action; effect of failure of motion to concur.* The house of origin of any bill or concurrent resolution may concur in any amendments made by the other house, except that if the bill or concurrent resolution has been referred to a conference committee such action may only be taken prior to the taking of final action upon the conference committee report upon such bill or concurrent resolution by the other house. A vote in the house of origin of any bill or concurrent resolution on a motion to concur in amendments to such bill or concurrent resolution by the other house shall be considered action on the final passage of the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal. If the motion to concur is upon amendments to a bill or concurrent resolution for which a conference committee has been appointed and action has not been taken upon the report of such committee by the other house and such motion fails, the bill or concurrent resolution shall not be deemed to have been killed thereby and the motion to concur may be renewed but not on the same legislative day. If the motion to concur is upon amendments to a bill or concurrent resolution for which a conference committee has not been appointed and such motion fails, the bill or concurrent resolution shall be deemed to be killed.

(c) *Motion to nonconcur; when considered final action; effect of adoption of motion.* A vote in the house of origin of any bill or concurrent resolution on a motion to nonconcur or to refuse to concur in amendments to such bill or concurrent resolution by the other house which is not coupled with a request for the appointment of a conference committee shall be considered action on final passage of the bill or concurrent resolution and

the affirmative and negative votes thereon shall be entered in the journal, and the bill or concurrent resolution shall be deemed killed on the adoption thereof.

(d) *House of origin refusal to concur or nonconcur; request for conference; procedure.* When a bill or concurrent resolution is returned by either house to the house of origin with amendments, and the house of origin refuses to concur or to nonconcur therein, a conference may be requested by a majority vote of the members present and voting. Such request shall be transmitted to the other house by message which shall include the names of the conferees on the part of the requesting house. Upon receipt of any such message, the receiving house may, in like manner, approve such conference, and shall thereupon notify the requesting house by message stating the names of its conferees.

(e) *Membership; appointment; chairperson; house of origin of substitute or materially changed bill or concurrent resolution; meetings of conference committee.* Each conference committee shall consist of three members of the senate and three members of the house of representatives, unless otherwise fixed by agreement of the president of the senate and speaker of the house. Senate members shall be appointed by the president of the senate and house members shall be appointed by the speaker of the house of representatives. The president or the speaker may replace any conferee previously appointed by such person. Not fewer than one member appointed from each house shall be a member of the minority political party of such house except when such representation for such house is waived by the minority leader of such house. In all cases, the first-named member of the house of origin of the bill or concurrent resolution assigned to the committee shall be chairperson of the conference committee. The house of origin of a substitute bill or substitute concurrent resolution shall be the house in which the bill or concurrent resolution in its original form was introduced. The chairperson of a conference committee on a bill or concurrent resolution the subject matter of which has been ruled to be materially changed shall be a member of the house which amended the bill or concurrent resolution to materially change the subject matter. Each conference committee shall meet on the call of its chairperson. All meetings of conference committees shall be open to the public and no meeting shall be adjourned to another time or place in order to subvert such policy.

(f) *Conference committee reports; matters which may be included; report not subject to amendment; house which acts first on report; copies of reports; reports considered under any order of business.* Only subject matters which are or have been included in the bill or concurrent resolution in conference or in bills or concurrent resolutions which have been passed or adopted in either one or both houses during the current biennium of the legislature may be included in the report of the conference committee on any bill or concurrent resolution except in any appropriations bill there may be included a proviso relating to any such item of appropriation. Subject to any limitations imposed under the constitution of the state of Kansas, no more than a total of four additional bills or concurrent resolutions or parts of bills or concurrent resolutions in conference or bills or concurrent resolutions or parts of bills or concurrent resolutions which have passed in either one or both houses during the current biennium of the legislature may be included in the report of the conference committee on any bill or concurrent resolution, except that reports of conference committees on any taxation bill are not subject to the limitation contained in this provision. A conference committee report shall not be subject to amendment. The original signed conference committee report shall be submitted to and acted

upon first by the house other than the house of origin of the bill or concurrent resolution. Except when a conference committee report is an agree to disagree coupled with a request that a new conference committee be appointed or is a recommendation to accede to or recede from all amendments of the second house, electronic and paper copies of the report shall be made available to all members of the house considering the report not later than 30 minutes before the time of its consideration, except that if the report is more than six pages in length no paper copies will be required to be distributed to individual members provided that at least 10 paper copies of the report are made available to members at the clerk's or secretary's desk at the front of the respective house. By written notice, the majority leader may direct the clerk or secretary to increase from six pages to some greater number of pages the size of conference committee reports that need not be distributed by paper copies to individual members pursuant to this rule. The affirmative vote of  $\frac{2}{3}$  of the members present in the house at the time of consideration of the report shall be sufficient to dispense with distribution of copies of the conference committee report to all members of that house. Reports of conference committees may be received and considered under any order of business.

(g) *Signatures required on conference committee reports.* All initial conference committee reports other than an agreement to disagree coupled with a request that a new conference committee be appointed shall be signed by all of the conferees. All initial conference committee reports which are an agreement to disagree coupled with a request that a new conference committee be appointed shall be signed by a majority of the conferees appointed in each house. If a conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed is not adopted, a subsequent conference committee report shall be signed by all conferees unless a subsequent conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed is adopted, in which case a conference committee report subsequent to the adoption of such report shall be signed by a majority of the conferees appointed in each house. All other conference committee reports shall be signed by a majority of the conferees appointed in each house.

(h) *Vote to adopt conference committee report final action; effect of failure of motion to adopt conference committee report.* The vote to adopt the report of a conference committee, other than a report of failure to agree coupled with a recommendation for appointment of a new conference committee, shall be considered final action on the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal. If the motion fails, the bill or concurrent resolution shall be deemed to be killed. If the motion on a conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed fails, the bill or concurrent resolution shall not be deemed to have been killed thereby and remains in conference.

(i) *Report of conference committee unable to agree; effect of failure to request new conference committee; effect of failure of motion to adopt report requesting new conference committee.* If a conference committee upon any bill or concurrent resolution is unable to agree, it shall report that fact to both houses. Such report may request that a new conference committee be appointed thereon. If the committee so reports but fails to request the appointment of a new conference committee thereon, the bill or concurrent res-

olution shall be deemed to have been killed upon the adoption by either house of such report. If the motion to adopt a report requesting the appointment of a new conference committee fails, the bill or concurrent resolution shall be deemed to be killed.

(j) *Bills or concurrent resolutions under consideration by conference committees and reports thereof; carryover from odd-numbered to even-numbered year.* Bills or concurrent resolutions under consideration by a conference committee, or a report of which has been filed but no action taken thereon in either house, at the time of adjournment of a regular session of the legislature held in an odd-numbered year shall remain alive during the interim and may be considered by the committee and legislature as the case may be at the regular session held in the following even-numbered year.

**Joint rule 4. Deadlines for introduction and consideration of bills.** The senate and house of representatives shall observe the following schedule of deadlines in making requests for drafting and in the introduction and consideration of bills.

(a) *Bill request deadline for individual members.* Except for bills introduced pursuant to (i) of this rule, no request to draft bills, except those made by committees, through their respective chairpersons, shall be made to, or accepted by, the office of the revisor of statutes after the hour of 5:00 p.m. on February 1, 2021, during the 2021 regular session and on January 31, 2022, during the 2022 regular session.

(b) *Bill introduction deadline for individual members.* Except as provided in (i) of this rule, no bill sponsored by a member or members shall be introduced in either house of the legislature after the hour of adjournment on February 10, 2021, during the 2021 regular session and on February 9, 2022, during the 2022 regular session. Such deadline for the introduction of bills by individual members may be changed to an earlier date in either house at any time by resolution duly adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in such house.

(c) *Bill request deadline for certain committees.* Except for bills to be introduced pursuant to (i) of this rule, no committee except the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall make a request to the office of the revisor of statutes for any bill to be drafted for sponsorship by such committee after the hour of 5:00 p.m. on February 8, 2021, during the 2021 regular session and on February 7, 2022, during the 2022 regular session.

(d) *Bill introduction deadline for certain committees.* Except as provided in (i) of this rule, no bill sponsored by any committee of either house of the legislature, except the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be introduced in either house after the hour of adjournment on February 12, 2021, during the 2021 regular session and on February 11, 2022, during the 2022 regular session.

(e) *House of origin bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so

authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered in the house in which such bill originated after the hour of adjournment on March 5, 2021, during the 2021 regular session and on February 24, 2022, during the 2022 regular session.

(f) *Second house bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered by either house, not the house of origin of such bill, after the hour of adjournment on March 31, 2021, during the 2021 regular session and on March 23, 2022, during the 2022 regular session.

(g) *Exceptions to limitation of (d), (e) and (f); procedure.* Specific exceptions to the limitations prescribed in subsections (d), (e) and (f) may be made in either house by resolution adopted by the affirmative vote of not less than a majority of the members of such house then elected (or appointed) and qualified.

(h) *Deadline which falls on day neither house in session; effect.* In the event that any deadline prescribed in this rule falls on a day that neither house of the legislature is in session, such deadline shall be observed on the next following day that either house is in session.

(i) *Bills introduced in odd-numbered years after deadlines; effect.* Bills may be introduced by members and committees in regular sessions occurring in an odd-numbered year after the times prescribed in (b) and (d) of this rule, but there shall be no final action thereon by either house during the session when introduced. Such bills shall be held over for consideration at the next succeeding regular session held in an even-numbered year.

(j) *Modification of schedule of deadlines for introduction and consideration of bills; procedure.* In any regular session a concurrent resolution may be adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house setting forth a different schedule of deadlines for introduction and consideration of bills for that session and the provisions of such concurrent resolution shall apply to such session notwithstanding provisions of this rule to the contrary.

(k) *Bill consideration deadline; exceptions.* No bills shall be considered by the Legislature after April 9, 2021, during the 2021 regular session and after April 1, 2022, during the 2022 regular session except bills vetoed by the governor, the omnibus appropriation act and the omnibus reconciliation spending limit bill provided for under K.S.A. 75-6702, and amendments thereto. This subsection (k) may be suspended for the consideration of a specific bill or bills not otherwise exempt under this subsection by the affirmative vote of a majority of the members then elected (or appointed) and qualified in the house in which the bill is to be considered.

**Joint rule 5. Closure of meetings to consider matters relating to security.** Any standing committee of the house of representatives, any standing committee of the senate, the legislative coordinating council, any joint committee of both houses of the legislature, any special or select committee of the house of representatives or the senate, the house of representatives in session, the senate in session or a joint session of the house of repres-

entatives and the senate may meet in closed, executive session for the purpose of receiving information and considering matters relating to the security of state officers or employees, or both, or the security of buildings and property under the ownership or control of the state of Kansas.









# SENATE JOURNAL

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PROCEEDINGS

OF THE

**Senate**

OF THE

KANSAS LEGISLATURE

TOPEKA, KANSAS

2021 REGULAR SESSION

January 11 through May 26, 2021

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COREY CARNAHAN, *Secretary of the Senate*

## EXPLANATION OF ABBREVIATIONS

Substantial economy of space was achieved in the text of the journals by shortening the numerous references to bill and resolution numbers. Placing these in bold face type facilitates locating the bills readily on each page. The abbreviations used are as follows:

SB 1.....	Senate Bill No. 1
SCR 1601.....	Senate Concurrent Resolution No. 1601
SP 1.....	Senate Petition No. 1
SR 1701.....	Senate Resolution No. 1701
HB 2001.....	House Bill No. 2001
HCR 5001.....	House Concurrent Resolution No. 5001

## EXPLANATION OF PAGE NUMBERING

The Senate and House Journals are printed in separate volumes. Paging in both journals is consecutive and begins with page 1, continuing through the 2-year biennium.

Under the section “History of Bills” HJ page numbers refer to the separate House Journal for 2021.

# Journal of the Senate

## PREORGANIZATIONAL MEETING OF SENATE MEMBERS-ELECT

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, December 7, 2020, 10:00 a.m.

In accordance with the provisions of K.S.A. 46-142, those members elected at the General Election, November 3, 2020, convened at 10:00 a.m.

The pre-organizational meeting was called to order by Scott Schwab, Secretary of State, who presented the following certification.

### STATE OF KANSAS SECRETARY OF STATE

I, SCOTT SCHWAB, Secretary of State, do hereby certify that the following persons were elected members of the Senate of the State of Kansas for a four-year term beginning on the second Monday of January, A.D. 2021.

#### District

1. Dennis Pyle
2. Marci Francisco
3. Tom Holland
4. David Haley
5. Jeff Pittman
6. Pat Pettey
7. Ethan Corson
8. Cindy Holscher
9. Beverly Gossage
10. Mike Thompson
11. Kellie Warren
12. Caryn Tyson
13. Richard Hilderbrand
14. Michael A. Fagg
15. Virgil Peck
16. Ty Masterson
17. Jeff Longbine
18. Kristen O'Shea
19. Rick Kloos
20. Brenda S. Dietrich

#### District

21. Dinah H. Sykes
22. Tom Hawk
23. Rob Olson
24. J. R. Claeys
25. Mary Ware
26. Dan Kerschen
27. Gene Suellentrop
28. Mike Petersen
29. Oletha Faust-Goudeau
30. Renee Erickson
31. Carolyn McGinn
32. Larry W. Alley
33. Alicia Straub
34. Mark Steffen
35. Richard Wilborn
36. Elaine S. Bowers
37. Molly Baumgardner
38. Bud Estes
39. John Doll
40. Richard (Rick) Billinger

DECEMBER 7, 2020

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused to be affixed my official seal this 7th of December, A.D. 2020.

SCOTT SCHWAB  
*Secretary of State*

CATHERINE E. GUNSALUS  
*Assistant Secretary of State*

Forty members-elect were present.

Secretary Schwab appointed Senator Petersen to serve as temporary chairperson of the meeting.

Senator Petersen announced that in accordance with K.S.A. 42-142(b) upon adjournment, the majority and minority parties will caucus and nominate their candidates, respectively, for president and vice-president of the Senate for the ensuing four years and select respectively, their majority leader, minority leader, and other caucus or party officers.

The location of the Majority Party Caucus will be in the Senate Chamber. The location of the Minority Party Caucus will be in the Visitor's Center Auditorium.

There being no further matters for consideration, the meeting was adjourned.

# Journal of the Senate

FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, January 11, 2021, 2:00 p.m.

In accordance with the provisions of the Constitution of the State of Kansas and KSA 46-142(d), the 2021 Session of the Kansas Legislature was called to order by Secretary of State Scott Schwab.

## INVOCATION

Secretary Schwab recognized Reverend Cecil T. Washington, Jr., who delivered the invocation:

Praying for Peace in Times of Discord  
Luke 11: 17-18, Isaiah 9:6

Heavenly Father, we're in a season where division and conflict are permeating our society. Here at home and across this nation, the discord is running wild. Lord, You said in Luke 11:17-18, that people divided in civil conflict, cannot survive. So Lord, we need Your peace; not a bogus pseudo peace, but the real peace that only You can provide, and only You can sustain. Isaiah 9:6 declares You as the Prince of Peace. By the power of Your word, You speak and command things into existence. Realizing that You are the One we need to turn to, Sy Miller and his wife Jill wrote a prayer and turned it into a song, asking You for that peace. And the need for that prayer song is so relevant for today. Therefore, Father, In the Name of Jesus, fill our hearts with the desires of this song! Amen!

The Pledge of Allegiance was led by Secretary Schwab.

Secretary Schwab appointed Corey Carnahan to serve as temporary Secretary of the Senate until such time as a permanent Secretary is appointed.

Secretary Schwab requested the reader to call the roll of the Senate from the certified list of members-elect as submitted by the Secretary of State and recorded in the preorganizational meeting on December 7, 2020.

Thirty nine members-elect were present. Senator-elect Estes was excused.

## OATH OF OFFICE

STATE OF KANSAS, COUNTY OF SHAWNEE, ss:

We, and each of us, do solemnly swear or affirm that we will support the Constitution of the United States and the Constitution of the State of Kansas, and faithfully discharge the duties of the office of the Senator of the State of Kansas, So help us God.

District 1 Dennis Pyle	District 21 Dinah Sykes
District 2 Marci Francisco	District 22 Tom Hawk
District 3 Tom Holland	District 23 Rob Olson
District 4 David Haley	District 24 JR Claeys
District 5 Jeff Pittman	District 25 Mary Ware
District 6 Pat Pettey	District 26 Dan Kerschen
District 7 Ethan Corson	District 27 Gene Suellentrop
District 8 Cindy Holscher	District 28 Mike Petersen
District 9 Beverly Gossage	District 29 Oletha Faust-Goudeau
District 10 Mike Thompson	District 30 Renee Erickson
District 11 Kellie Warren	District 31 Carolyn McGinn
District 12 Caryn Tyson	District 32 Larry Alley
District 13 Richard Hilderbrand	District 33 Alicia Straub
District 14 Michael Fagg	District 34 Mark Steffen
District 15 Virgil Peck	District 35 Rick Wilborn
District 16 Ty Masterson	District 36 Elaine Bowers
District 17 Jeff Longbine	District 37 Molly Baumgardner
District 18 Kristen O'Shea	District 38 Bud Estes
District 19 Rick Kloos	District 39 John Doll
District 20 Brenda Dietrich	District 40 Richard (Rick) Billinger

Subscribed and sworn to, or affirmed, before me this 11<sup>th</sup> day of January 2021.

ERIC S. ROSEN  
*Justice of the Supreme Court*

## CAUCUS REPORTS

### **Majority Party Caucus December 7, 2020**

The senators-elect of the majority party of the Senate met and caucused as required by K.S.A. 46-142 and nominated the following officers for the term:

#### Senate Officers:

President of the Senate: Ty Masterson  
Vice President of the Senate: Rick Wilborn

#### Caucus/Party Officers:

Majority Leader: Gene Suellentrop  
Assistant Majority Leader: Larry Alley  
Majority Whip: Richard Hilderbrand

TY MASTERSON  
*Chairperson*  
Majority Party Caucus

**Minority Party Caucus  
December 7, 2020**

The Senators-elect of the minority party of the Senate met and caucused as required by K.S.A. 46-142 and nominated the following officers for the term:

Democratic Leader: Dinah Sykes  
 Assistant Democratic Leader: Oletha Faust-Goudeau  
 Democratic Whip: Pat Pettey  
 Agenda Chair: Marci Francisco  
 Caucus Chair: Jeff Pittman

DINAH SYKES  
*Chairperson*  
 Minority Party Caucus

Secretary Schwab proceeded with the business of the election of the officers of the Senate. Senator Suellentrop then placed in nomination the name of Ty Masterson for the office of the President of the Senate. Senator Sykes seconded the nomination. After inquiry by the chairman, there being no other nominations, the nominations ceased and Senator Masterson was elected by acclamation.

In compliance with the Majority Caucus Report, Senator Suellentrop placed in nomination the name of Rick Wilborn for the office of Vice President of the Senate. Senator Sykes seconded the nomination. After inquiry by the chairman, there being no other nominations, the nominations ceased and Senator Wilborn was elected by acclamation.

Secretary Schwab requested Senators Suellentrop and Sykes escort the newly elected Vice President to the front of the Senate Chamber, where Justice Rosen administered the Oath of Office.

**OATH OF OFFICE**

I do solemnly swear, or affirm, that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of my respective office in the Kansas Senate.

RICK WILBORN  
*Vice President*

Subscribed and sworn to, or affirmed, before me the 11th day of January 2021.

ERIC S. ROSEN  
*Justice of the Supreme Court*

Secretary Schwab requested Senators Sullentrop and Sykes escort the newly elected President to the front of the Senate Chamber, where Justice Rosen administered the Oath of Office.

**OATH OF OFFICE**

I do solemnly swear, or affirm, that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of my respective office in the Kansas Senate.

TY MASTERSON  
*President*

Subscribed and sworn to, or affirmed, before me the 11th day of January 2021.

ERIC S. ROSEN  
*Justice of the Supreme Court*

Secretary Schwab passed the gavel to President Masterson.

**REMARKS BY PRESIDENT MASTERSON**

To my colleagues, I want to say thank you for your confidence in me to serve as your Senate President. It is a tremendous honor to lead this body as we embark upon a historic and challenging session. With new leadership in our Chamber on both sides of the aisle, we start off with a clean slate and an opportunity to come together on behalf of the people of Kansas.

I also want to congratulate each and every one of you for being elected to represent the people of your individual district as leaders within this beautiful and historic chamber. Each of us has a unique story of how we got here; and each story results in a unique perspective which will bring critical value to our deliberations.

In addition to our diverse life experiences and philosophies, we also have varying levels of experience here in the State Capitol. Some of us have been here for several terms, some are arriving from the across the rotunda, and several are completely brand new to the legislature. The people of Kansas will be well served by this diverse expertise and experience that is present in the body today.

I also want to thank my family. I love all of you dearly, and simply would not be in this seat today if not for your incredible support every step of the way. A debt of gratitude must be extended to ALL of our families who are in attendance today or watching and listening online, and of special note – those who are no longer with us.

To those in our chamber today who have recently lost someone close to them, please know we are all thinking of you and praying for you. To all of our families who allow us to serve, we would simply not be able to do the jobs we do up here if not for your love and support. Thank you.

Today, even in the midst of these difficult and often tumultuous times we are in, let's take a moment to celebrate, for there is still much to be thankful for. Our Constitutions, both federal and state. This beautiful State Capitol and all whom work here to make democracy flourish. The peaceful transfer of power and the rich traditions which we should never take for granted. The ability to engage in respectful and passionate debates about the issues that come before us. And most of all, the people whom we serve, in every corner of our state, who simply want to know their government is working for them and no one else.

As we embark on this session and engage in doing the work we were sent here to do, we are reminded of the tremendous responsibility that rests on our shoulders, and the opportunity to help people in all walks of life. As we debate and consider the bills before us, several words come to mind: Wisdom; Discernment; Respect; Prudence; Civility; Integrity; Humility. If we remember these words as we debate, it will serve us well.

We know there will be times that our debates are passionate, and that is okay – they should be. We are making important decisions that impact the lives of the people we serve. There will be a host of issues that we will discuss over the coming years, and there will be many tough votes along the way. In each instance, let us always put our fellow Kansans First. Thank you for the trust you placed in me and I look forward to working together for this great state. God bless you all.– TY MASTERSON

### **REMARKS BY MINORITY LEADER SYKES**

Mr. President, on behalf of the Senate Democratic caucus, congratulations on your election as President of the Kansas Senate. Also, congratulations to other Senate Republicans representing your caucus in their positions in leadership.

To my fellow Democratic Senators: thank you for trusting me to lead our caucus over the next 4 years. It is an honor to work with all of you. I am grateful to be fighting for Kansas values alongside each of you.

I would like to take the opportunity to thank my predecessor in leadership, Senator Anthony Hensley, for his decades of service to our state and our caucus. His principled dedication and grit have made Kansas a better state for our children and families. It is my hope that as a body, we will approach our coming work with those same values in our hearts.

Congratulations to the 14 newly-elected senators joining us in this chamber for the first time today. I know you all worked hard to earn the confidence of your constituents. I am confident you will work even harder to serve them well.

I especially would like to welcome my caucus's three freshman senators. Having campaigned alongside you this year, I know firsthand your deep commitment to championing policies that will improve the lives of Kansans. I am looking forward to seeing the great work that you do in the Senate.

To our families and friends joining us in person or watching on the live-stream, thank you for your support throughout the election cycle, and for your continued support throughout our terms.

Thank you to my husband, Jeffrey, and to my sons, William and Tyler. Like all legislative families, they understand that my calling to serve requires sacrifice and grace on their part. I am blessed to have them by my side.

Many Kansans rang in the new year with a renewed sense of hope and optimism after a year full of challenges for our country; this pandemic has required flexibility, sacrifice, and resiliency for the people of Kansas and our country. Already this year, over 58,000 vaccine doses have been administered in Kansas.

Our state secured more than \$2.5 billion in capital investments last year, which will result in new jobs and a boost to our economy. We are not yet out of the woods, but with a renewed sense of communal responsibility to keep our fellow Kansans safe, we can make this year better than the last.

I, too, am ringing in our new legislative session with hope and optimism that we will turn the challenges we face into opportunities to move our state forward. The Democratic caucus is resolved to work hard on behalf of the people of Kansas; to listen to and learn from our neighbors, and bring their ideas to the table; to approach these issues with a bi-partisan spirit; to find opportunities for collaboration with our colleagues from across the aisle; to hold one another accountable to our common purpose; and to lead with courage, compassion, and common sense.

Because while there is much hope in this new year and our new session, our state still has a tough road ahead. The economic consequences of the pandemic present yet another roadblock in our path to recovery from years of devastation. Tens of thousands of vulnerable Kansans continue to lack access to affordable healthcare during one of the worst public health events in our country's history. Rural hospitals are closing when access to care is critical to saving lives from this deadly virus. Too many Kansans remain unemployed, underemployed, and struggle navigating a safety net that was neglected for decades and left under-prepared to handle the current crisis.

It is our responsibility to address these challenges head-on, to move our state forward, and to improve the lives of the people of Kansas. Each of us offers a unique perspective on the problems facing our state. We do not always agree on how best to respond. But we share a commitment to our neighbors and the communities we represent. We share a common goal of creating a better future for Kansas children.

In my tenure in the Senate, I have been most proud of the times we have put aside ideological differences to do what's best for Kansas families. Together we have reversed failed tax policies, developed a new school finance formula ending a decade of litigation, enacted protections for survivors of domestic violence, and passed balanced budgets to put our state back on track. We have come together in good faith to learn, debate, and seek compromise. We have seized opportunities to govern with courage and conviction.

While this does not paint a complete picture of our work – which can be frustrating and at times disheartening – it does represent us at our best, and Kansans deserve nothing less. As we begin the work ahead, I ask that we put forth this best version of ourselves; that we remain dedicated to seeking common ground; that we are clear and intentional about governing based on facts, and telling our constituents the truth, even when it may not be what they want to hear; that we put the well-being of Kansans ahead of partisan politics; and that we are guided by grace. Let's get to it.—DINAH SYKES

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Masterson, Suellentrop and Sykes introduced the following Senate resolution, which was read:

## SENATE RESOLUTION No. 1701—

A RESOLUTION relating to the organization of the Senate.

*Be it resolved by the Senate of the State of Kansas:* That the Secretary of the Senate notify the House of Representatives that the Senate is organized with the following officers:

Ty Masterson, president,  
Rick Wilborn, vice-president,  
Gene Suellentrop, majority leader,  
Dinah Sykes, minority leader,  
Corey Carnahan, secretary,  
Don Cackler, sergeant at arms,  
and awaits the pleasure of the House of Representatives.

On emergency motion of Senator Suellentrop **SR 1701** was adopted unanimously.

Senators Masterson, Suellentrop and Sykes introduced the following Senate resolution, which was read:

## SENATE RESOLUTION No. 1702—

A RESOLUTION relating to assignment of seats of the Senate.

*Be it resolved by the Senate of the State of Kansas:* That the permanent seats of the Senate are hereby assigned as follows: Alley 26, Baumgardner 29, Billinger 1, Bowers 28, Claeys 2, Corson 6, Dietrich 16, Doll 36, Erickson 13, Estes 35, Fagg 17, Faust-Goudeau 21, Francisco 8, Gossage 3, Haley 22, Hawk 39, Hilderbrand 11, Holland 40, Holscher 5, Kerschen 30, Kloos 18, Longbine 32, Masterson 23, McGinn 27, O'Shea 14, Olson 33, Peck 19, Petersen 10, Pettey 37, Pittman 20, Pyle 34, Steffen 15, Straub 4, Suellentrop 24, Sykes 38, Thompson 25, Tyson 31, Ware 7, Warren 12 and Wilborn 9.

On emergency motion of Senator Suellentrop **SR 1702** was adopted unanimously.

Senators Masterson, Suellentrop and Sykes introduced the following Senate resolution, which was read:

## SENATE RESOLUTION No. 1703—

A RESOLUTION relating to the rules of the Senate for the 2021 session.

*Be it resolved by the Senate of the State of Kansas:* That except as otherwise hereinafter provided, the rules of the Senate for 2017-2020 in effect at the time of adjournment sine die of the 2020 regular session of the legislature shall constitute the temporary rules of the Senate for the 2021 regular session until permanent rules are adopted.

*Be it further resolved:* That Rule 7 of the rules of the Senate for 2017-2020 be amended to read as follows and shall constitute a temporary rule of the Senate until a permanent rule is adopted:

**Rule 7. Standing Committees.** (a) There shall be a standing committee named the Committee on Organization, Calendar and Rules which shall consist of three members, the chairperson of which shall be the president of the Senate, and the vice chairperson of which shall be the majority leader of the Senate. The Vice President of the Senate shall be a member of the committee. No bill or resolution other than resolutions adopting, amending or revoking rules of the Senate or Joint Rules of the Senate and House of Representatives, shall be introduced by or be referred to the Committee on Organization, Calendar and Rules.

(b) The following shall be the other standing committees:

	Number of members
1. Agriculture and Natural Resources.....	9
2. Assessment and Taxation .....	9
3. Commerce.....	<del>11</del> 9
4. Confirmation Oversight .....	6
5. Education.....	<del>11</del> 9
<del>6. Ethics, Elections and Local Government.....</del>	<del>9</del>
<del>7. Federal and State Affairs.....</del>	<del>9</del>
<del>8. 7. Financial Institutions and Insurance.....</del>	<del>9</del>
<u>8. Insurance.....</u>	<u>9</u>
9. Interstate Cooperation.....	7
10. Judiciary.....	<del>11</del> 9
11. <u>Local Government.....</u>	<u>9</u>
<u>12. Public Health and Welfare.....</u>	<u>9</u>
<u>13. Transparency and Ethics.....</u>	<u>13</u>
<del>12. 14. Transportation.....</del>	<del>11</del> 9
<del>13. 15. Utilities.....</del>	<del>11</del> 13
<del>14. 16. Ways and Means.....</del>	<del>13</del> 9

(c) The president of the Senate, with the advice of the majority leader and the vice president of the Senate, shall appoint the members of each committee, shall appoint the chairperson and vice chairperson or vice chairpersons thereof and shall designate the ranking minority member of each committee. The minority leader shall submit recommendations for the appointment of minority members to the standing committees of the Senate to the Committee on Organization, Calendar and Rules. The Committee on Organization, Calendar and Rules shall have a standing subcommittee on calendar which shall be the president of the Senate, the vice president of the Senate and the majority leader of the Senate. The Majority Leader shall be the chairperson of the subcommittee. The Committee on Organization, Calendar and Rules may establish such other subcommittees of the Committee on Organization, Calendar and Rules as the Committee deems appropriate.

(d) The Committee on Organization, Calendar and Rules shall have a standing subcommittee on rules which shall be the president of the Senate, the vice president of the Senate, the majority leader of the Senate, one member of the Senate from the majority party appointed jointly by the president of the Senate, the vice president of the Senate and the majority leader of the Senate and one member who shall be the minority leader of the Senate or the designee of the minority leader. The chairperson of the subcommittee on rules shall be the vice president of the Senate. The subcommittee on

rules shall consider rules questions arising during a convening of the Senate.

(e) The Committee on Organization, Calendar and Rules and all of its subcommittees may close their meetings.

(f) The two major political parties shall have proportional representation on each standing committee other than the Committee on Organization, Calendar and Rules. In the event application of the preceding sentence results in a fraction, the party having a fraction exceeding .5 shall receive representation as though such fraction were a whole number.

(g) The Senate standing Committee on Agriculture and Natural Resources shall constitute the successor committee to the Senate standing Committee on Agriculture and the Senate standing Committee on Natural Resources for purposes of references in statutory and other documents. The Senate standing Committee on Ethics, Elections and Local Government shall constitute the successor committee to the Senate standing Committee on Ethics and Elections and the Senate standing Committee on Local Government.

(h) For purposes of references in statutes and other documents, the Senate standing Committee on Insurance shall constitute the successor committee to the Senate standing Committee on Financial Institutions and Insurance regarding insurance matters, the Senate standing Committee on Local Government shall constitute the successor committee to the Senate standing Committee on Ethics, Elections and Local Government regarding local government matters and the Senate standing Committee on Transparency and Ethics shall constitute the successor committee to the Senate standing Committee on Ethics, Elections and Local Government regarding ethics and election matters.

On emergency motion of Senator Suellentrop **SR 1703** was adopted unanimously.

Senators Masterson, Suellentrop and Sykes introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1704—

A RESOLUTION adopting rules for the Senate of the State of Kansas for the terms of the Senators commencing with the 2021 regular session of the Legislature.

*Be it resolved by the Senate of the State of Kansas:* The following rules shall be the rules of the Senate for the terms of the Senators commencing with the 2021 regular session of the Legislature.

**RULES OF THE SENATE  
2021-2024**

**Rule 1. Time of Meetings.** The Senate on the first day of a session shall convene at 2:00 p.m., and at all other times shall convene at 2:30 p.m., unless otherwise ordered by the Senate.

**Rule 2. Convening – Quorum – Assuming Duties of Chair.** (a) The President shall take the chair at the hour fixed for the convening of the Senate, and the roll shall be called in order to ascertain if a quorum is present. A majority of the Senators then elected (or appointed) and qualified shall constitute a quorum, and, in the absence of a

quorum, the Senators present, by majority vote, may take such measures as they shall deem necessary to secure the presence of a quorum.

(b) In the absence of the President, the Vice President shall assume the duties of the President. The President or Vice President may also name any Senator to temporarily perform the duties of the chair, but the Senator so named shall not act as President beyond adjournment, unless by leave of the Senate. A Senator shall not lose the right of voting on any subject while serving or acting as President.

**Rule 3. Absence of Member.** No Senator shall fail to attend when the Senate is in session without first obtaining leave of the Senate, unless prevented from attending by sickness or other sufficient cause.

**Rule 4. Order of Business and Session Proforma.** The order of business, following the roll call and prayer by the Chaplain, shall be as follows:

1. Introduction and reference of bills and concurrent resolutions.
2. Consideration of messages from the Governor.
3. Communications from state officers.
4. Consideration of messages from the House of Representatives.
5. Consideration of motions to concur or nonconcur.
6. Reports of select committees.
7. Consent Calendar.
8. Final Action on bills and concurrent resolutions.
9. Introduction of original motions and senate resolutions.
10. Correction and approval of the Journal.
11. Consideration of motions and senate resolutions.
12. Reports of standing committees.
13. General orders.

The Senate may meet from time to time for the sole purpose of processing routine business of the Senate. These sessions shall be known as Session Proforma.

(1) Time of Meeting. Session Proforma shall be announced at least one legislative day in advance with the hour for meeting Proforma set on the previous legislative day.

(2) Order of Business. The only orders of business that may be considered during Session Proforma are:

- (a) Introduction and reference of bills and concurrent resolutions.
- (b) Receipts of messages from the Governor.
- (c) Communications from state officers.
- (d) Receipt of messages from the House of Representatives.
- (e) Reports of select and standing committees.
- (f) Presentation of petitions.

(3) Motions. No motion shall be in order other than the motion to adjourn.

(4) Objections. Any objection by any member shall require the Session Proforma to adjourn to the next day, Saturday and Sunday excluded, at 2:30 p.m.

(5) Quorum and Roll. There shall be no requirement for a quorum or taking of the roll. No demand for a roll call for a quorum shall be in order.

(6) Effect of Certain Rules. If a legislative day referred to in Rule 11, 12, 28, 32, 33, 53, 56, 68 or 69 occurs on a legislative day which is also the day on which a Session

Proforma is held, the term "legislative day" as used in such rule means the next legislative day subsequent to the legislative day on which the Session Proforma is held.

The presentation of petitions shall be a special order of business on Friday of each week immediately preceding the regular order of business.

**Rule 5. Business in Order at Any Time.** Messages from the Governor, messages from the House of Representatives, introduction and reference of bills and concurrent resolutions, reports of standing committees and reports of select committees may be received and considered under any order of business.

**Rule 6. Special Order.** Whenever any bill or other matter is made the special order for a particular day, and shall not be reached or completed on that day, it shall be returned to its place in the General Orders, unless it shall be made the special order for another day. When any special order is under consideration, it shall take precedence over any special order for a subsequent hour of the same day, but such subsequent special order shall be taken up immediately after the previous order has been disposed of. Notation of a special order shall be placed before the first order of business on the calendar for that day, giving the subject to be considered and the time fixed for its consideration. When that time arrives, other business shall be suspended until the special order has been considered.

**Rule 7. Standing Committees.** (a) There shall be a standing committee named the Committee on Organization, Calendar and Rules which shall consist of three members, the chairperson of which shall be the president of the Senate, and the vice chairperson of which shall be the majority leader of the Senate. The Vice President of the Senate shall be a member of the committee. No bill or resolution other than resolutions adopting, amending or revoking rules of the Senate or Joint Rules of the Senate and House of Representatives, shall be introduced by or be referred to the Committee on Organization, Calendar and Rules.

(b) The following shall be the other standing committees:

	Number of members
1. Agriculture and Natural Resources .....	9
2. Assessment and Taxation .....	9
3. Commerce.....	<del>11</del> 9
4. Confirmation Oversight .....	6
5. Education.....	<del>11</del> 9
<del>6. Ethics, Elections and Local Government.....</del>	<del>9</del>
<del>7. Federal and State Affairs.....</del>	9
<del>8. Financial Institutions and Insurance.....</del>	9
<u>8. Insurance.....</u>	<u>9</u>
9. Interstate Cooperation.....	7
10. Judiciary.....	<del>11</del> 9
<u>11. Local Government.....</u>	<u>9</u>
<u>12. Public Health and Welfare.....</u>	<u>9</u>
<u>13. Transparency and Ethics.....</u>	<u>13</u>

~~12-14.~~ Transportation..... ~~119~~  
~~13-15.~~ Utilities..... ~~113~~  
~~14-16.~~ Ways and Means..... ~~139~~

(c) The president of the Senate, with the advice of the majority leader and the vice president of the Senate, shall appoint the members of each committee, shall appoint the chairperson and vice chairperson or vice chairpersons thereof and shall designate the ranking minority member of each committee. The minority leader shall submit recommendations for the appointment of minority members to the standing committees of the Senate to the Committee on Organization, Calendar and Rules. The Committee on Organization, Calendar and Rules shall have a standing subcommittee on calendar which shall be the president of the Senate, the vice president of the Senate and the majority leader of the Senate. The Majority Leader shall be the chairperson of the subcommittee. The Committee on Organization, Calendar and Rules may establish such other subcommittees of the Committee on Organization, Calendar and Rules as the Committee deems appropriate.

(d) The Committee on Organization, Calendar and Rules shall have a standing subcommittee on rules which shall be the president of the Senate, the vice president of the Senate, the majority leader of the Senate, one member of the Senate from the majority party appointed jointly by the president of the Senate, the vice president of the Senate and the majority leader of the Senate and one member who shall be the minority leader of the Senate or the designee of the minority leader. The chairperson of the subcommittee on rules shall be the vice president of the Senate. The subcommittee on rules shall consider rules questions arising during a convening of the Senate.

(e) The Committee on Organization, Calendar and Rules and all of its subcommittees may close their meetings.

(f) The two major political parties shall have proportional representation on each standing committee other than the Committee on Organization, Calendar and Rules. In the event application of the preceding sentence results in a fraction, the party having a fraction exceeding .5 shall receive representation as though such fraction were a whole number.

(g) The Senate standing Committee on Agriculture and Natural Resources shall constitute the successor committee to the Senate standing Committee on Agriculture and the Senate standing Committee on Natural Resources for purposes of references in statutory and other documents. The Senate standing Committee on Ethics, Elections and Local Government shall constitute the successor committee to the Senate standing Committee on Ethics and Elections and the Senate standing Committee on Local Government.

(h) For purposes of references in statutes and other documents, the Senate standing Committee on Insurance shall constitute the successor committee to the Senate standing Committee on Financial Institutions and Insurance regarding insurance matters, the Senate standing Committee on Local Government shall constitute the successor committee to the Senate standing Committee on Ethics, Elections and Local Government regarding local government matters and the Senate standing Committee on Transparency and Ethics shall constitute the successor committee to the Senate standing

committee on Ethics, Elections and Local Government regarding ethics and election matters.

**Rule 8. Special and Select Committees.** Special and Select committees of the Senate and the Chairperson thereof shall be appointed by the President.

**Rule 9. Standing Committees – Duties of Chairperson, etc.** (a) The chairperson of each committee shall preside at all meetings of the committee. The chairperson may designate another member to preside in the absence of the chairperson and vice chairperson.

(b) The chairperson of each committee may call a special meeting of the committee when necessary.

(c) The chairperson shall have full charge of the committee.

(d) The chairperson of each committee shall cause minutes of each meeting of the committee to be prepared, subject to approval of the committee within 14 session days or by sine die adjournment, whichever is earlier. Minutes shall show the action taken by the committee upon each bill or resolution considered and the amendments if any voted upon and the disposition of each, whether adopted or not. At the request of the author of a bill or resolution or any amendment to a bill or resolution, or on request of any member of the committee, the intent of the author shall be stated in the committee minutes. At the conclusion of each legislative session, copies of all committee minutes shall be filed with the Director of Legislative Administrative Services.

**Rule 10. Vote in Senate Committee.** At the time of taking any action upon any bill or resolution, any member of a committee may demand a division of the vote and the chairperson shall be required to record the number of votes for and against the action as a part of the minutes.

**Rule 11. Committee Action on Bills and Resolutions.** (a) A committee may recommend that the Senate act favorably, unfavorably or without recommendation upon any measure or may recommend amendments to measures referred to it which are germane to the subject of the measure. If a committee recommends amendments to a bill or resolution referred to it which strike out all of the material in the bill or resolution subsequent to the enacting clause or resolving clause and inserts new material, and the bill or resolution was sponsored by an individual member or members, the committee becomes the sponsor of the bill or resolution and the committee name will be printed on the bill or resolution as the sponsor. Committee recommendations shall be made by committee report to the Senate. Committee reports shall be signed by the chairperson, and shall be transmitted to the Senate not later than the second legislative day following the action of the committee.

(b) When a committee fails to report on any bill or resolution following reference to such committee, it may be withdrawn from the committee by an affirmative vote of 24 members of the Senate on a motion made as provided in this subsection. Such a motion shall be made in writing, giving the reasons for withdrawal from the committee. Such motion shall be made under the order of business introduction and notice of original motions and Senate resolutions. Only one bill or resolution may be named in such a motion. The motion shall be read by the reading clerk or the member making the motion and shall be printed in the calendar of the next legislative day under the order of

business consideration of motions and Senate resolutions offered on a previous day. The motion shall be considered on the legislative day following the day it is made. If the motion prevails, the bill or resolution shall be placed on the calendar under the order of business General Orders.

(c) Motions to withdraw a bill or resolution from a committee are not subject to amendment or debate.

**Rule 12. Adversely Reported Bills and Resolutions.** All bills or resolutions adversely reported shall go upon the Calendar for one day, under the head of Bills Adversely Reported. A motion to place an adversely reported bill (or resolution) under the order of business General Orders on the Calendar shall be made when the bill (or resolution) is upon the Calendar and shall be made when Introduction of Original Motions and Senate Resolutions is in order, and that motion shall then lie over until the next legislative day when the order of business Consideration of Motions and Senate Resolutions is reached, but if such motion is defeated once it shall not be renewed. If an adversely reported bill or resolution has been previously referred separately under Rule 32 (authorizing the reference of the same bill or resolution to two or more standing committees), then the motion shall be to return the adversely reported bill (or resolution) with the committee report attached to the next committee to which it was referred. If the motion to place the bill (or resolution) on the Calendar under the order of business General Orders or to return the bill (or resolution) to the next committee of reference shall prevail, then the words "Adversely Reported" shall be printed in a line underneath the title of the bill or resolution, and to prevail such motion shall require an affirmative vote of 24 members of the Senate.

**Rule 13. When Bill or Concurrent Resolution Placed on General Orders.** When a bill or a concurrent resolution to amend the constitution has been reported to the Senate by a committee with the recommendation that it pass or be adopted, it shall immediately be placed on the Calendar under the order of business General Orders.

**Rule 14. Address the President – To Be Recognized – Speak But Twice on the Same Subject.** Every Senator rising to debate or to present any matter shall address the President and shall not proceed until recognized. When two or more Senators shall address the President at the same time, the President shall name the Senator who is to speak first. No Senator, except for the Senator who is carrying a bill, resolution or report, shall speak more than twice on the same day on the same subject without leave of the Senate.

**Rule 15. No Senator Shall Be Interrupted.** No Senator, when speaking shall be interrupted except by a call to order by the presiding officer, or by a Senator through the presiding officer, desiring to ask a question. If a Senator speaking yields to a question, the interruption shall be confined solely to such question. Senators shall be referred to as "the Senator from \_\_\_\_\_" (naming the Senator's home county) followed by the Senator's title and name.

**Rule 16. Personal Privilege.** Senators raising a point of personal privilege shall confine themselves to remarks which concern themselves personally and shall not address or debate matters under consideration by the Senate.

**Rule 17. Questions of Order – How Determined.** A question of order may be raised at any time and when a Senator shall be called to order the Senator shall stop speaking until the presiding officer has determined whether the Senator was in order. Every question of order shall be decided by the presiding officer, subject to an appeal to the Senate by any member. The vote on an appeal to the Senate under this rule shall not be a roll call vote. Every appeal on a question of order shall be taken without debate.

**Rule 18. Explaining Votes.** Senators may explain their votes only upon the call of their names upon any roll call vote, but not more than two minutes shall be allowed for any explanation. The explanation shall be inserted in the Journal if the Senator makes a request at the time of voting or makes a request of the Secretary of the Senate prior to adjournment, and the written explanation is presented to the Secretary of the Senate during or within two hours following that day's adjournment on the same legislative day. No Senator in explaining a vote may use the name of or otherwise identify any other Senator as part of the explanation without the consent of the other Senator. No written explanation shall contain more than 200 words. If the written explanation contains more than 200 words, only the first 200 words of the explanation shall be printed in the journal.

**Rule 19. Vote Unless Excused – Contempt.** Any Senator, who is directly interested in a question, may be excused from voting, even though there is a call of the Senate. The Senator, who is requesting to be excused from voting, shall state the reasons for the request, occupying not more than five minutes. Such statements shall be made either immediately before or immediately after the vote is called but before the result is announced. The question on excusing any Senator from voting shall be taken without debate and a majority of those voting shall be necessary to excuse the Senator. If a Senator refuses to vote, when not excused, such refusal shall constitute contempt and the President shall, in such case, order the offending Senator before the bar of the Senate and all privileges of membership shall be refused such Senator until the contempt is corrected as determined by vote of the Senate.

**Rule 20. When Not Permitted to Vote.** No Senator shall be allowed to vote unless the Senator is seated in the Senator's assigned seat within the Senate chamber when the vote is taken.

**Rule 21. Filling Certain Vacancies.** (a) When a vacancy occurs in the office of President and the Legislature is adjourned to a date more than 60 days after the occurrence of the vacancy, the Senate shall meet within 30 days and elect a member to fill the vacancy. The Vice President shall within 10 days of such occurrence issue a call for the meeting at a time not less than 10 days and not more than 20 days after the date of the call.

(b) When a vacancy occurs in the office of Vice President or majority leader of the Senate, and the Legislature is adjourned to a date more than 30 days after the occurrence of the vacancy, the President shall appoint an acting Vice President or acting majority leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled as though the acting interim appointment had not been made.

(c) When a vacancy occurs in the office of minority leader of the Senate and the Legislature is adjourned to a date more than 30 days after the occurrence of the vacancy, the assistant minority leader shall become the acting minority leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled as though the acting minority leader had not so served.

(d) It is the intention of this rule that any person elected, appointed or designated to serve in accordance herewith to fill a vacancy shall exercise all of the duties and powers of the office so filled.

**Rule 22. Party Affiliation – Change.** If any Senator changes political party affiliation: (1) From the political party of such Senator at the time of the Senator's election; or (2) if the Senator was appointed, from the political party of the district convention which elected such person to be so appointed, the following shall apply:

(a) Such Senator shall be removed from all memberships on standing and other committees, from all positions of chairperson or vice chairperson of a standing or other committee, and from any office of the Senate held at the time of such change. The Committee on Organization, Calendar and Rules shall appoint a Senator to fill any vacancy which arises under this subpart (a).

(b) The proportion of Senators from major political parties on each standing committee originally determined under Rule 7 (providing for proportional representation of members of political parties upon standing committees) shall not be altered. The Committee on Organization, Calendar and Rules shall fill each standing committee member position vacated by such Senator by appointing a Senator of the political party from which such Senator changed.

**Rule 23. Open Meetings Provisions.** The open meeting law (K.S.A. 75-4317 et seq., and amendments thereto) shall apply to meetings of the Senate and all of its standing committees, select committees, special committees and subcommittees of any of such committees. Caucuses of Senate majority and minority parties and meetings of the Committee on Organization, Calendar and Rules and its subcommittees may be closed.

**Rule 24. Motions in Writing.** All motions to amend bills and resolutions shall be made in writing, and upon request of any Senator shall be read by the reading clerk before being voted upon. All other motions shall be reduced to writing when desired by any Senator.

**Rule 25. Motions Withdrawn.** Any motion may be withdrawn by the maker before amendment or decision is made thereon except as the foregoing is modified by Rule 40 (relating to procedure in the committee of the whole).

**Rule 26. Motions in Order When Question Under Debate.** When a question is under debate, no motion shall be in order, except:

Not Debatable

1. To fix time to which to adjourn.
2. To adjourn.
3. To lay on the table.
4. For the previous question.
5. To recess to a time certain.

Debatable

6. To postpone to a day certain.
7. To commit to a standing committee.
8. To commit to a special committee.
9. To commit to the Committee of the Whole.
10. To amend.
11. To postpone indefinitely.

The several motions specified in this rule shall have precedence in the order named and the first five shall be decided without debate.

**Rule 27. Division of Question.** (a) If the question in debate contains several points, any Senator may have the same divided, but a motion to strike out and insert shall be indivisible. When a bill or resolution is under consideration in the Senate and after debate is concluded and final action has been announced on the bill or resolution, a request for division of question shall not be in order.

(b) A request for division of question shall be in writing specifying the manner in which the question is to be divided.

(c) The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert another proposition, nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

**Rule 28. Reconsideration of Pending Matters.** When a question has been once put and decided it shall be in order for any Senator who voted with the prevailing side to move for a reconsideration thereof, but no motion for reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, nor shall any motion for reconsideration be in order unless made on the same day on which the vote was taken or the next legislative day. No question shall be reconsidered more than once.

**Rule 29. Previous Questions.** Five Senators shall have the right to move the previous question on any bill, resolution, message, report, amendment, or motion. If no amendment is pending the previous question shall be as follows: "Shall the main question be now put?" If the previous question is decided in the affirmative by a majority vote of those present, the main question shall be put without further amendment or debate. If amendments are pending a motion for the previous question shall concern only the last amendment that is pending on which, if the previous question is adopted, the debate will be closed only upon such amendment. The previous question on other questions than the main question shall be as follows: "Shall the question on the (amendment, amendment of an amendment, substitute or other motion affecting same as the case may be) now be put?"

**Rule 30. Endorsement on Bills, etc.** Before any bill, resolution or petition, addressed to the Senate, shall be received or read, the title of the bill or resolution or a brief statement of the contents of the petition shall be typed on the jacket, with the name of the Senator or committee introducing it.

**Rule 31. Introduction of Bills and Concurrent Resolutions.** Every bill and concurrent resolution shall be introduced by a Senator, by a committee, on the report of a committee, by message from the House of Representatives, or by proper prefiling as

provided by law. For the purpose of introduction, every bill and concurrent resolution shall be placed in the possession of the secretary and the reading clerk shall read the title, except citations of statutes amended or repealed. The reading clerk shall also read the name of the sponsor of the bill or resolution if it has a single sponsor. If the bill or resolution has two sponsors the reading clerk shall read the names of both sponsors, but if the bill or resolution has more than two sponsors the reading clerk shall read the name of the first sponsor together with the words "and others."

**Rule 32. Reference of Bills and Resolutions.** All bills and resolutions shall be referred or rereferred to appropriate standing committees, special or select committees appointed under Rule 8 or the Committee of the Whole by the President. Upon the day of its introduction or upon the next legislative day, the President shall refer every bill and each concurrent resolution to be referred to the appropriate standing committee, special or select committees appointed under Rule 8 or the Committee of the Whole. Bills or resolutions prefiled under K.S.A. 46-801 et seq., and amendments thereto, may be referred by the President to the appropriate standing committee, special or select committees appointed under Rule 8 or the Committee of the Whole at any time subsequent to the prefiling of such bill or resolution with the secretary of the senate. Bills introduced by committees, if germane to the purpose and scope of the committee, may be referred to the Committee of the Whole; otherwise to the appropriate standing committee or special or select committees appointed under Rule 8. All bills making an appropriation shall be referred to the Committee on Ways and Means. The President may refer a bill or resolution to two or more standing committees or special or select committees appointed under Rule 8, or any combination thereof, jointly, or separately, in such order as the President may direct, and such bill or resolution, when so referred, shall be considered by the committees in joint meeting, or by each of the committees separately in the order named in the reference, and when the reference is made jointly, the chairperson of the committee named first shall be chairperson of the joint committee.

**Rule 33. Consent Calendar and Recording Reports.** Whenever a standing committee is of the opinion that a bill or resolution upon which it is reporting is of non-controversial nature, it shall so state in its committee report. Whenever a bill or resolution is so reported, it shall be placed upon a separate calendar, to be known as the Consent Calendar. Each bill or resolution appearing on the Consent Calendar shall remain thereon for at least two full legislative days before being considered under the order of business Final Action. At any time prior to the call for the vote under the order of business Final Action on a bill or resolution on the Consent Calendar, any member may object to the same as being controversial and the same shall be stricken from the Consent Calendar and take its place on General Orders in the usual order. If no such objection is made prior to the call for such vote on the bill or resolution, it shall be voted upon with other bills and resolutions under the order of business Final Action but before consideration of other bills or resolutions appearing on the calendar under such order of business.

**Rule 34. Final Action on Bills and Concurrent Resolutions.** On final action on any bill or concurrent resolution, the reading clerk shall read the title, except citations to

statutes amended or repealed. If the bill is reported for final action without debate, the question shall be at once put: "Shall the bill pass?" No debate shall be allowed, and no motion shall be in order except the motion for a call of the Senate, unless in case where a bill has been ordered to be placed on final action subject to amendment, or to amendment and debate or unless by the unanimous consent of the Senate, amendments may be made and considered. Like procedure shall apply to concurrent resolutions except that the question put shall be: "Shall the resolution be adopted?" On final action, bills and resolutions may be bulked together for roll call unless objection be made by any Senator.

**Rule 35. Final Passage by Yeas and Nays.** The question upon the final passage of a bill and every concurrent resolution for amendment of the constitution of Kansas or ratification of an amendment to the Constitution of the United States shall be taken by a roll call vote of the yeas and nays, which shall be entered on the Journal, and unless the bill or concurrent resolution receives the number of votes required by the constitution to pass it, it shall be declared lost, except in cases provided for in Rule 36 (relating to the absence of a quorum).

**Rule 36. No Quorum on Final Vote – Effect.** If, on taking the vote on final action on a bill or concurrent resolution, it shall appear that a quorum is not present, then the bill or concurrent resolution shall retain its place on the Calendar and shall again be considered for final action when that order of business is again taken up by the Senate.

**Rule 37. Roll Call Vote.** A roll call vote shall be taken upon all questions upon the demand of five Senators.

**Rule 38. Call of Senate – When Made – How Enforced.** (a) A call of the Senate may be had upon the demand of five Senators, pending a roll call on the final passage of any bill or resolution, or on any motion to strike the enacting clause of a bill or the resolving clause of a resolution, or indefinitely postpone any bill or resolution, and before the result is announced. When a call is demanded, the President shall order the doors of the Senate to be closed and all members to be in their seats unless excused by the President. The President shall direct the Secretary to call the roll of the Senators and note the absentees, after which the names of the absentees shall be again called, and those for whose absence no sufficient excuse is given may be sent for and taken into custody by the Sergeant at Arms, or by Assistant Sergeants at Arms appointed for the purpose, and brought before the bar of the Senate, where unless excused by a majority of the Senators present, they shall be reprovved by the President for the neglect of duty.

(b) No motion to dispense with further proceedings under the call of the Senate shall be entertained until the President shall be satisfied that the Sergeant at Arms has made diligent effort to secure the attendance of the absentees.

**Rule 39. Roll Call Votes.** Every Senator in the Senate chamber when a roll call is taken shall respond when the Senator's name is called. If there is a call of the Senate, the Senator must vote Yea or Nay, except as provided in Rule 19 (Senators excused from voting if directly interested in the question). When there is no call of the Senate, the Senator may pass and shall be recorded in the Journal as present and passing. After the roll is completed and before the roll is closed, a Senator may change such Senator's

vote. No vote shall be recorded and no change in vote may be made without unanimous consent of the Senate after announcement by the presiding officer that the roll is closed. No motion shall be in order during a roll call vote except as provided under Rule 34 for final action on bills and concurrent resolutions and except for a call of the Senate.

**Rule 40. Committee of the Whole.** On motion the Senate may go into Committee of the Whole. The President shall appoint a chairperson to preside over the Committee of the Whole. The rules of the Senate shall be observed in the Committee of the Whole, so far as applicable except that there shall be no limit on the number of times of speaking and Rule 38 (authorizing a call of the senate) shall not apply. A motion to lay on the table or a call for the previous question shall not be in order. No substitute motion to amend a bill or resolution shall be in order. A substitute motion to report a bill or resolution to the full Senate once made shall be decided subject only to debate and Rule 50 (motion to strike the enacting or resolving clause). A roll call shall be had on any question subject to the requirements of Rule 37.

**Rule 41. No Quorum in Committee of the Whole – Procedure.** If at any time, when in Committee of the Whole, it be ascertained that there is no quorum present, the chairperson shall immediately vacate the chair and report the fact to the President.

**Rule 42. How Bills or Resolutions Considered – Committee of the Whole.** Bills or resolutions shall be considered in Committee of the Whole in the following manner: The standing committee report shall first be considered and if it is adopted the bill or resolution as amended by the committee report shall be considered section by section, and as each section is considered, amendments from the floor are in order to that section. If the committee report is not adopted, the bill or resolution, without committee amendments, shall be considered section by section, and as each section is considered amendments from the floor are in order to that section. After a section has been considered, no amendment thereto shall be in order until the whole bill or resolution has been read through. After the original bill or resolution, together with standing committee amendments, has been considered section by section the chairperson shall announce "Amendments to the bill (or resolution) generally are in order," and amendments not before offered may be made to any part of the bill or resolution. A motion to amend the bill or resolution shall not be in order while a motion to strike the enacting clause or resolving clause is pending.

**Rule 43. Amendments.** (1) Amendments to bills shall be germane to the subject of the bill being amended, and the fact that an amendment is to a section in the same chapter of the Kansas Statutes Annotated as an existing section in the bill shall not automatically render the amendment germane. Amendments to concurrent resolutions for amendments of the constitution of Kansas or ratification of an amendment to the Constitution of the United States shall be germane to the subject of the resolution being amended.

(2) All amendments to bills or resolutions shall be submitted in writing on a form provided by the Senate or on a form substantially similar. All amendments to printed bills or resolutions shall specify the page and line number as shown on the printed bill or resolution. If a bill or resolution has not been printed, amendments must refer to the

typed bill or resolution. All amendments adopted shall be recorded in the Journal. The action taken on all amendments, whether adopted or rejected, shall be recorded in the Journal. When a bill or resolution has been amended, it shall be engrossed before it is enrolled.

(3) In the case of amendment by substitute bill or by substitute concurrent resolution, motion shall be made to substitute a written bill or concurrent resolution for the bill or concurrent resolution under consideration.

(4) A motion to amend a motion to amend a bill or resolution shall not be in order.

**Rule 44. Report of Committee of the Whole Subject to Amendment – Time for.** The report of the Committee of the Whole is subject to amendment to correctly reflect what has occurred in the Committee of the Whole by motions made at the time the report is offered for adoption by the Senate. When a bill is reported with the recommendation that the enacting clause be stricken, and the report is agreed to by the Senate, the bill shall be considered killed.

**Rule 45. Motion for Committee of the Whole to Rise and Report Progress.** A motion that the Committee of the Whole shall rise and report progress on any bill shall always be in order and shall be decided without debate, and the matter being considered shall be the first order of business at the next session of the committee, subject to such postponement as the subsequent Committee of the Whole may determine. After a motion to rise and report progress has been adopted, the Subcommittee on Calendar of the Committee on Organization, Calendar and Rules may change for the resumption of the current session of the Committee of the Whole the order of consideration of bills and resolutions.

**Rule 46. Division of the Senate.** Whenever a voice vote has been taken upon any question in either the Senate or the Committee of the Whole, any Senator may call for a division of the Senate or Committee of the Whole.

**Rule 47. Bills and Resolutions to Final Action.** When the Committee of the Whole shall favorably report a bill or resolution, and the report is adopted by the Senate, the bill or resolution shall be considered as ordered to the order of business Final Action. The vote upon the final passage of the bill shall not be taken on the same day on which the bill is placed on Final Action. Bills and resolutions to be sent to the House shall be properly corrected under the supervision of the Secretary of the Senate. The Secretary of the Senate is authorized to correct misspelled words, punctuation and "doublets" or repeated words when preparing bills, resolutions or other documents for signature by officers of the Senate and House.

**Rule 48. Bills and Resolutions – Inclusion of Amendments.** When a bill or resolution is amended, the Secretary of the Senate shall attach to the original copy all amendments made in the Senate. Substitute bills and substitute concurrent resolutions shall accompany the bill or concurrent resolution for which each is substituted. Upon passage, Senate bills or resolutions, including the original copy and amendments, shall be transmitted to the House.

**Rule 49. Reports of Transmittals in Journal – Committee – Reports.** Report of transmittal of bills and resolutions to the House shall be immediately entered upon the Journal.

**Rule 50. Motion to Strike Enacting or Resolving Clause – Debate Limited.** No Senator may speak more than twice on a motion to strike the enacting clause of a bill or the resolving clause of a resolution, and no other motion, except a motion to adjourn, shall be in order until the motion to strike the enacting clause or resolving clause has been decided by roll call vote.

**Rule 51. Two-thirds Vote Not Necessary Except on Final Passage of Resolution.** When a resolution requiring a vote of 2/3 of the Senate for adoption is under consideration, a vote of 2/3 shall not be needed to decide any question short of its final passage, except as provided by these rules.

**Rule 52. Bills and Resolutions Considered in Regular Order.** The Subcommittee on Calendar of the Committee on Organization, Calendar and Rules shall designate from day to day and from time to time the bills and resolutions to be considered that day and on the next legislative day, and the order of consideration fixed by this subcommittee shall not be changed, except by unanimous consent or by a 2/3 vote of all the members of the Senate then elected (or appointed) and qualified, if unanimous consent is refused, or as provided in Rule 45.

**Rule 53. Changing Order on Calendar.** Not more than one bill or resolution may be named in a motion to change the order of the Calendar, and on each motion no Senator except the Senator making the motion shall speak more than once, nor longer than two minutes.

**Rule 54. Resolutions – Classes – Procedures Thereon.** Resolutions shall be of the following classes: (1) Senate resolutions; and (2) Senate concurrent resolutions. In acting on them, the Senate shall observe the following procedure:

(1) Senate resolutions shall be in writing, shall be read and shall lie over one day. Senate resolutions other than resolutions for the amendment of rules of the Senate shall not be printed unless ordered by the Senate. There shall be no roll call unless ordered. With the consent of the majority of Senators present and voting, either the requirement to read Senate resolutions or the requirement to lie over one day, or both, may be dispensed with.

(2) Senate concurrent resolutions shall be in writing, shall be read by title, and shall lie over one day. All Senate concurrent resolutions shall be printed, and shall require a roll call on motion to adopt. Propositions to amend the constitution shall be made by concurrent resolution and referred to the proper committee. Other concurrent resolutions may be referred to a proper committee by the President.

(3) Notwithstanding any other rule of the Senate to the contrary, no Senator shall request and be the primary sponsor of more than three Senate resolutions or concurrent resolutions which congratulate, commemorate, commend, honor or are in memory of any individual, entity or event during a legislative session of the Senate, except upon approval of the President.

All House concurrent resolutions, when in the Senate, shall follow the same procedure as Senate concurrent resolutions.

This rule shall not apply to resolutions relating to the business of the day, nor to resolutions for organization or adjournment.

**Rule 55. Confirmation of Appointments by Governor or Other State Official.** All nominations or appointments made by the governor or other state official, which are subject to Senate confirmation, may be considered and acted upon by the Senate in either executive or regular session except that no final action thereon may be taken in executive session. When nominations or appointments are made by the governor or other state official for confirmation by the Senate, they shall, unless otherwise ordered by the President, be referred to appropriate committees by the President. Nominations or appointments referred to committees shall be returned to the Senate within 20 legislative days after the same are referred, together with a report thereon, unless additional time be granted by a majority vote of senators present. If the nomination or appointment is not returned to the Senate within the period of time specified for its return and additional time has not been granted, the nomination or appointment shall be considered to be returned to the Senate without recommendation on the next legislative day following the last day of the period of time specified for its return. Any such appointment may be considered and acted upon by the Senate at any time after the nomination or appointment is returned to the Senate. The chairperson of the committee which recommends for confirmation a nomination or appointment may speak more than twice on the same day on the subject of the nomination or appointment. No motion to confirm any such appointment or nomination shall be in order without the unanimous consent of the Senate until the nomination or appointment is returned to the Senate, unless one day's previous notice thereof is given in open session or by posting the appointments or nominations to be considered near the entrance to the Senate chamber. Appointments shall be confirmed by the Senate only by an affirmative vote of a majority of all members of the Senate then elected (or appointed) and qualified.

**Rule 56. Admittance to Floor – Lobbying on Floor – Galleries.** No person shall be admitted to the floor of the Senate except elective state officers; members of the Legislature; friends of the members of the Senate, upon invitation signed by the President and the Senator extending the invitation; former members of the Senate, officers and employees of the legislative branch, and members of the news media who are actually employed, and who have a card of admission from the President. The Senate by resolution, may issue such invitations as it desires. Persons so admitted must stay in the perimeter of the Senate chamber except with the express permission of a member of the Senate. No one registered with the Secretary of State as an agent or lobbyist may be on the floor of the Senate during the hours of 9:30 a.m. to 4:30 p.m. nor at the time the Senate is in session. No person, other than a state officer or employee of the legislative branch or legislator, shall discuss any measure with any Senator on the floor of the Senate during the time the Senate is in session. Any person who violates this rule or any person who shall gain admission to the floor of the Senate by false representation shall be forthwith ejected from the Senate chamber and thereafter be denied admission. No employee shall lobby for or against any measure pending in the Senate, and any employee violating this rule shall be forthwith discharged. Former members of the Senate may be introduced when on the floor, but no other introductions shall be made during the session of the Senate, except the President may announce the attendance of school students or other groups visiting the Senate.

Visitors shall be allowed in one or both galleries of the Senate in accordance with directions to the Sergeant at Arms from the President.

**Rule 57. Electronic Devices; Photographic Record of Vote.** The use of telephones and the making of telephone calls in the galleries of the Senate are prohibited. Except for security personnel, the use of wireless electronic telecommunications devices emitting an audible sound or tone to announce or initiate communications in a committee room during any time when a committee or subcommittee is in session in the room, in the galleries during any time when the Senate is in session and in the Senate Chamber during any time the Senate is in session is prohibited. The use of video recorders or other video equipment in the galleries is prohibited. No photographic or similar record shall be made of the vote of any member upon any measure on which a division of the Senate has been called.

**Rule 58. Chairs of Senators.** No person except a member of the Senate, shall occupy the chair of any Senator at any time except with the approval of and in the presence of a member of the Senate.

**Rule 59. The News Media.** Employees of the news media displaying a card of admission from the President may only occupy space designated for them in the Senate chamber. They shall be subject to all the rules of the Senate and shall conduct themselves with proper decorum while in the Senate chamber. They shall not lobby, directly or indirectly, for or against any measure pending before the legislature.

**Rule 60. Secretary of Senate – Duties.** The Secretary of the Senate shall be appointed by the President. It shall be the duty of the Secretary to call the roll; report correctly the result of all votes; correct the Journal as may be directed by the Senate; read all bills, resolutions, petitions or other papers which the Senate may require; deliver all messages to the House of Representatives; certify all enrolled bills and present same to the President or Vice President of the Senate for signature; endorse upon every paper presented in the Senate the successive stages of action had thereon, and see that proper records are made of the transmission of every paper from one house to the other, or from one office to another; and attend generally to such other matters as the office may require. The Secretary of the Senate shall deliver to the printer all bills and other documents ordered to be printed and take the receipt of the printer therefor. In order to secure a uniform and systematic procedure, the following clerks and their assistants shall be under the supervision of the Secretary: Assistant Secretary of the Senate, Journal Clerks, Calendar Clerks, Enrolling Clerks, Bill Status Clerk, Reading Clerk and Bill Clerk.

**Rule 61. Impeachment.** The provisions of this rule shall apply to impeachment, and nothing in the rules of the Senate or in any statute shall impair or limit the powers of the Senate with respect to impeachment. In addition to other powers, the President shall possess the powers and perform the duties in this rule.

(1) The President shall call the Senate into session within 30 days of the receipt by the President of any request by a board of managers of the House of Representatives to lay articles of impeachment before the Senate.

(2) The Senate by a majority vote of the members then elected (or appointed) and qualified may adopt, amend or suspend rules applicable to trial of any impeachment.

(3) The President and any officer or committee acting under authority of this rule may follow any statutory procedure to the extent the same is not in conflict with the provisions of this rule, but nothing in this rule nor in any statute shall be deemed to constitute a waiver of any inherent powers of the Senate.

**Rule 62. Sergeant at Arms – Duties.** The Sergeant at Arms shall be appointed by the President, and shall serve under the President's direction, control and supervision and at the President's pleasure and shall execute all orders of the President or Senate. The Sergeant at Arms shall have the general supervision of the Senate Chamber, the cloak rooms, gallery and lobby, and shall preserve order within the chamber at all times. The Sergeant at Arms may arrest and take into custody any person gaining admission to the floor of the Senate through false representations or violation of Rule 56 (listing persons authorized to be admitted to the floor of the Senate). All violations shall be immediately reported to the President for action by the Senate. No person except those entitled to admittance on the floor of the Senate pursuant to Rule 56 (listing persons authorized to be admitted to the floor of the Senate) shall lounge or loaf in the Senate chamber when the Senate is not in session, and the Sergeant at Arms shall detail at least one assistant to remain in the chamber at all times when the same is open. The President may appoint and remove Assistant Sergeants at Arms to serve under the supervision of the Sergeant at Arms. All doorkeepers and night watchmen shall be Assistant Sergeants at Arms.

**Rule 63. Requisitions for Printing.** All requisitions upon the Director of Printing for calendars, bills, documents, and printed matter of any nature whatsoever, must be approved by the Director of Legislative Administrative Services.

**Rule 64. Employees – Duties.** All employees shall report each day to their respective supervisors. The Director of Legislative Administrative Services or some person designated by the director shall keep a record of the attendance of each employee. The supervisor of an employee may discharge the employee at any time. The word "employee" as used in this section shall include all persons employed by the Senate, except the secretaries of each of the members of the Senate and except the Secretary of the Senate and Sergeant at Arms, which officers may be removed by the President of the Senate.

**Rule 65. Pages.** Not more than 20 pages shall serve during any legislative day. Appointments shall be restricted to boys and girls of middle school, junior high or high school age.

**Rule 66. Secretaries to Members.** Each Senator shall be entitled to select a secretary and shall inform the Director of Legislative Administrative Services of the selection. The secretaries shall not be paid for time they are not in attendance unless excused by their respective Senators. From the convening of the Senate until adjournment on any day, except during recesses, no Senator's secretary shall be stationed at the Senator's desk, except that this provision shall not apply to the administrative assistant designated by the President.

**Rule 67. Suspension of Rules.** (a) A motion to suspend the rules may be made and considered under any order of business. A 2/3 affirmative vote of all Senators then elected (or appointed) and qualified shall be required for its adoption. The motion shall be decided without debate.

(b) A motion to declare an emergency, suspend the rules, and advance a bill to Final Action shall be considered as one motion. It may be made and considered immediately under any order of business, and be debatable on the question of the emergency. A 2/3 affirmative vote of all Senators then elected (or appointed) and qualified shall be required for its adoption.

(c) A bill advanced to Final Action under subsection (b) which is not considered during the legislative day on which it is advanced to Final Action shall be placed on the next legislative day on the Calendar under the order of business General Orders.

**Rule 68. Amendments to Rules.** No rule of the Senate shall be adopted, amended or revoked without a 2/3 affirmative vote of all members of the Senate then elected (or appointed) and qualified, and no motion to adopt, amend or revoke any rule of the Senate shall be in order without the unanimous consent of the Senate, unless one day's previous notice thereof shall be given in open session.

Notwithstanding any provision of the rules of the Senate to the contrary, no notice shall be required for the adoption of a resolution adopting, amending or revoking any one or more rules of the Senate at the commencement of a legislative session, and adoption of any such resolution shall require only the affirmative vote of not less than a majority of the Senators then elected (or appointed) and qualified, subject to the following conditions: (1) The resolution is sponsored by the President or any three Senators, and (2) either (a) a copy thereof is e-mailed to each Senator not later than 11:00 p.m. on the Thursday preceding the Monday on which the legislative session is to commence or (b) in lieu of e-mailing copies of the resolution are made available to Senators on the first day of the legislative session and Final Action is taken on the second legislative day.

**Rule 69. Robert's Rules of Order.** In all cases where these rules or the joint rules of the Senate and House of Representatives do not apply, the rules of parliamentary law in Robert's Rules of Order Newly Revised, 11th edition, shall govern.

**Rule 70. Number Designation of Substitute Bills and Substitute Concurrent Resolutions.** (a) Whenever a substitute bill is recommended by a committee report, and whenever a substitute bill is approved by amendment from the floor, the substitute bill shall be printed as provided for bills introduced, and the bill number designation shall be substantially as follows:

(1) In the case of bills substituted for Senate bills, "Substitute for Senate Bill No. \_\_\_\_\_," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

(2) In the case of bills substituted for House bills, "Senate Substitute for House Bill No. \_\_\_\_\_," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

(b) Whenever a substitute concurrent resolution is recommended by a committee report, and whenever a substitute concurrent resolution is approved by amendment from the floor, the substitute concurrent resolution shall be printed as provided for concurrent resolutions introduced, and the resolution number designation shall be substantially as follows:

(1) In the case of concurrent resolutions substituted for Senate concurrent resolutions, "Substitute for Senate Concurrent Resolution No. \_\_\_\_\_," and the blank shall be filled with the number of the concurrent resolution for which substitution is made or recommended.

(2) In the case of concurrent resolutions substituted for House concurrent resolutions, "Senate Substitute for House Concurrent Resolution No. \_\_\_\_\_," and the blank shall be filled with the number of the concurrent resolution for which substitution is made or recommended.

**Rule 71. General Rule Not to Read Amendments.** Amendments to bills or resolutions shall not require readings as for bills introduced or resolutions introduced, except as otherwise provided in Rule 72 (subject matter of bill or resolution materially changed by senate amendment) or Rule 73 (subject matter of senate bill or resolution materially changed by house amendment).

**Rule 72. Subject Change by Senate.** Whenever an amendment adopted by the Senate has materially changed the subject of a bill or resolution, the title of the bill or resolution so amended shall be read in the manner prescribed for the introduction of bills or resolutions, and take its place upon the Calendar under the order of business Final Action.

**Rule 73. Subject Change by House.** Whenever the House adopts amendments to a Senate bill or senate concurrent resolution which materially changes its subject, upon return of such bill or resolution to the Senate, the title of such bill or resolution shall be read in the manner prescribed for the introduction of bills or resolutions and such bill or resolution shall be referred as provided in Rule 32 (reference of bills and resolutions).

**Rule 74. Determination of When Subject of Bill or Resolution Materially Changed.** The President may determine when a bill or resolution is subject to Rule 72 (subject matter of bill or resolution materially changed by senate amendment) or Rule 73 (subject matter of senate bill or senate concurrent resolution materially changed by house amendment). The President's determination under this rule, that a bill or resolution has been materially changed is subject to an appeal to the Senate by any member. A 2/3 vote of the members of the Senate present and voting shall be required to overturn the ruling of the chair. The vote on an appeal to the Senate under this rule shall not be a roll call vote. Every appeal under this rule shall be taken without debate.

**Rule 75. Executive Reorganization Orders.** When an executive reorganization order is received from the Governor, it shall be referred to an appropriate committee by the President. The committee to which an executive reorganization order is referred shall report its recommendations thereon, by recommending adoption of a Senate resolution, not later than the 60th calendar day of any regular session and not later than 30 calendar days after it has received such referral whichever occurs first. If a committee fails to report upon an executive reorganization order within the time specified in this rule, such committee shall be deemed to have returned the same to the Senate without recommendation. When a report or return of an executive reorganization is made, it and all resolutions for approval or disapproval thereof shall be made the special order of business in accordance with Rule 6 (special order of business) at a time

not later than the last day the executive reorganization order may be disapproved under section 6 of article 1 of the Constitution of Kansas. The Senate shall act to approve or reject every reorganization order unless at the time set for such action the House of Representatives shall have already rejected such executive reorganization order.

**Rule 76. Censure or Expulsion.** Whenever three or more Senators desire to lodge a complaint against any other Senator requesting that the Senator be censured or expelled for misconduct, the complaining Senators shall sign and file a written statement of such complaint with the Secretary of the Senate. In such event, the President shall appoint a select committee for consideration thereof composed of five Senators, no more than three of whom shall be members of the same political party, and none of whom shall have signed the complaint to be considered. The select committee may dismiss the complaint after inquiry or may set the matter for hearing. Reasonable notice and an opportunity to appear shall be afforded the Senator against whom a complaint has been filed. Select committees meeting under authority of this section shall be authorized to meet and exercise compulsory process without further authorization, subject only to the limitations and conditions prescribed in article 10 of chapter 46 of Kansas Statutes Annotated. Upon completing its hearing and deliberations thereon the select committee may dismiss the complaint or may submit a recommendation to the full Senate for censure or expulsion, and upon receiving such report the Senate may without further hearing or investigation censure or expel the member against whom the complaint was filed. Censure or expulsion of a Senator under this rule shall require a 2/3 majority vote of those members elected (or appointed) and qualified.

**Rule 77. Taking from the Table.** The affirmative vote of a 2/3 majority of all Senators then elected (or appointed) and qualified shall be required for the adoption of a motion to take any question or proposition from the table after the adoption of a motion to table or lay such question or proposition on the table. The provisions of this rule shall apply to motions both in standing committees and the Senate.

**Rule 78. Placing Material on Members' Desks.** No items or material shall be placed upon the desk of any member of the Senate unless any such item or material bears the signature or name of the Senator responsible for its distribution. This Rule 78 shall not apply to items or material provided by legislative staff, the Governor or state agencies.

**Rule 79. Decorum.** During the time the Senate is in session professional dress is required on the floor of the Senate.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 1**, AN ACT concerning the Kansas state fair; relating to the use of the state fair capital improvements fund; amending K.S.A. 2020 Supp. 2-223 and repealing the existing section, by Senator McGinn.

**SB 2**, AN ACT concerning the Kansas state fair; relating to alcoholic liquor; sales during the state fair; issuance of temporary permits; liquor enforcement tax and liquor drink tax; crediting a portion of such tax moneys collected to the state fair capital

improvements fund; amending K.S.A. 79-4108 and 79-41a03 and K.S.A. 2020 Supp. 41-719 and 41-1201 and repealing the existing sections, by Senator McGinn.

**SB 3**, AN ACT concerning crimes, punishment and criminal procedure; relating to diversion agreements; creating a certified drug abuse treatment program for people on diversion; providing for supervision by court services or community corrections; amending K.S.A. 22-2907, 75-5291 and 75-52,144 and K.S.A. 2020 Supp. 22-2909 and repealing the existing sections, by Joint Committee on Corrections and Juvenile Justice Oversight.

**SB 4**, AN ACT concerning crimes, punishment and criminal procedure; relating to unlawfully tampering with electronic monitoring equipment; modifying criminal penalties; amending K.S.A. 2020 Supp. 21-6322 and repealing the existing section, by Joint Committee on Corrections and Juvenile Justice Oversight.

**SB 5**, AN ACT concerning crimes, punishment and criminal procedure; relating to property crimes; loss values; amending K.S.A. 2020 Supp. 21-5802, 21-5813, 21-5821, 21-5825, 21-5828, 21-5830, 21-5927, 21-6002, 21-6004, 21-6005 and 21-6205 and repealing the existing sections, by Joint Committee on Corrections and Juvenile Justice Oversight.

**SB 6**, AN ACT concerning crimes, punishment and criminal procedure; relating to crimes against persons; domestic battery; counting offenses with domestic violence designation as prior convictions; amending K.S.A. 2020 Supp. 21-5414 and repealing the existing section, by Joint Committee on Corrections and Juvenile Justice Oversight.

**SB 7**, AN ACT concerning crimes, punishment and criminal procedure; relating to terminal medical release; criteria for release; permitting release earlier in terminal diagnosis; amending K.S.A. 2020 Supp. 22-3729 and repealing the existing section, by Joint Committee on Corrections and Juvenile Justice Oversight.

**SB 8**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; increasing good time and program credits for certain offenders; eliminating liability protection for wrongful act or omission in making calculations; amending K.S.A. 2020 Supp. 21-6821 and repealing the existing section, by Joint Committee on Corrections and Juvenile Justice Oversight.

**SB 9**, AN ACT concerning law enforcement officers; relating to the Kansas law enforcement training act; requiring newly certified officers to attend diversity meetings, by Senator Faust-Goudeau.

**SB 10**, AN ACT concerning labor and employment; relating to occupational licensing and regulation; enacting the right to earn a living act, by Senators Hilderbrand, Fagg, Steffen, Straub, Thompson and Wilborn.

**SB 11**, AN ACT concerning elections; relating to advance mail ballots; prohibiting the altering or backdating of postmark; amending K.S.A. 2020 Supp. 25-1128 and repealing the existing section, by Senators Hilderbrand, Baumgardner, Claeys, Erickson, Fagg, Kloos, Peck, Steffen, Straub, Thompson and Wilborn.

**SB 12**, AN ACT concerning the department for children and families; relating to performance-based contracting, by Senator Faust-Goudeau.

**SB 13**, AN ACT concerning property taxation; relating to tax levy rates, establishing notice and public hearing requirements prior to approval by a governing body to exceed its revenue neutral rate and discontinuing the city and county tax lid; prohibiting valuation increase of real property solely as the result of normal repair, replacement or maintenance; establishment of a payment plan for the payment of delinquent or nondelinquent taxes; amending K.S.A. 79-1460, 79-1801, 79-2024 and 79-2925c and repealing the existing sections, by Senators Tyson, Alley, Baumgardner, Erickson, Fagg, Hilderbrand, Kerschen, Longbine, Peck, Steffen, Thompson and Warren.

**SB 14**, AN ACT concerning governmental response to the COVID-19 pandemic in Kansas; providing certain relief related to health, welfare, property and economic security during this public health emergency; relating to the state of disaster emergency; powers of the governor and executive officers; providing certain limitations and restrictions; authorizing the temporary sale of alcoholic liquor for consumption off of certain licensed premises; authorizing the expanded use of telemedicine in response to the COVID-19 public health emergency and imposing requirements related thereto; suspending certain requirements related to medical care facilities and expiring such provisions; providing for temporary suspension of certain healthcare professional licensing and practice requirements; delegation and supervision requirements; conditions of licensure and renewal and reinstatement of licensure; relating to limitations on business liability associated with the COVID-19 public health emergency; amending K.S.A. 2019 Supp. 48-925, as amended by section 34 of chapter 1 of the 2020 Special Session Laws of Kansas and 48-925, as amended by section 34 of chapter 1 of the 2020 Special Session Laws of Kansas, as amended by section 4 of this act, and K.S.A. 2020 Supp. 41-2653, 48-924, 48-924b, 48-925a, 48-963, 48-965, 48-966 and 60-5504 and repealing the existing sections, by Committee on Judiciary.

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1601—

By Senators Masterson, Suellentrop and Sykes

A CONCURRENT RESOLUTION informing the governor that the two houses of the legislature are duly organized and ready to receive communications.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That the Secretary of the Senate and the Chief Clerk of the House of Representatives be appointed to wait upon the governor and inform the governor that the two houses of the legislature are duly organized and are ready to receive any communications the governor may have to present.

On motion of Senator Suellentrop **SCR 1601** was adopted by voice vote.

**MESSAGES FROM THE GOVERNOR**

February 18, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*Public Member, University of Kansas Hospital Authority, Dr. Talal W. Khan, Overland Park, (D) pursuant to the authority vested in me by K.S.A. 76-3304, and effective upon the date of confirmation by the Senate, to serve four years, to succeed Dr. Kirk Benson.*

March 12, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*Public Member, State Banking Board, Lea Tatum-Haskell, Topeka, (I) pursuant to the authority vested in me by K.S.A. 74-3004, and effective upon the date of confirmation by the Senate, to serve three years, to succeed Norman Pishny.*

March 12, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*Public Member, Kansas Racing and Gaming Commission, David Moses, Wichita, (D) pursuant to the authority vested in me by K.S.A. 74-8803, and effective upon the date of confirmation by the Senate, to serve four years, to succeed himself.*

March 13, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*2nd Congressional District Appointee, State Civil Service Board*, Thomas Wright, Topeka, (D) pursuant to the authority vested in me by K.S.A. 75-2929a, and effective upon the date of confirmation by the Senate, to serve four years, to succeed Phillis Setchell.

March 13, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*CD1 Member, Kansas Racing and Gaming Commission*, Larry Turnquist, Salina, (D) pursuant to the authority vested in me by K.S.A. 74-8803, and effective upon the date of confirmation by the Senate, to serve four years, to succeed himself.

April 2, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*At-Large Banker, Kansas Banking Board*, Mary A. Berry, Goddard, (D) pursuant to the authority vested in me by K.S.A. 74-3004, and effective upon the date of confirmation by the Senate, to serve a three-year term, to succeed a vacant position.  
April 2, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*Commander of the Kansas Air National Guard, Kansas National Guard and the Office of the Adjutant General*; Chris Ioder, Kansas City, (R) pursuant to the authority vested in me by K.S.A. 48-208, and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed David Weishaar.

June 12, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*Chief Hearings Officer, Kansas Board of Tax Appeals*, Thomas P. Browne, Jr., Topeka, (D) pursuant to the authority vested in me by K.S.A. 74-2433, and effective upon the date of confirmation by the Senate, to serve the remainder of an unexpired four-year term, to succeed Arlen Siegfried.

June 12, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Laura Kelly  
Governor

*Commissioner, Kansas Lottery Commission*, Margaret La Rue, Jr., Topeka, (R) pursuant to the authority vested in me by K.S.A. 74-8709, and effective upon the date of confirmation by the Senate, to serve four years, to succeed James Washington.

June 12, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Laura Kelly  
Governor

*Commissioner, Kansas Corporation Commission*, Andrew French, Johnson County, (Unaffiliated) pursuant to the authority vested in me by K.S.A. 74-601, and effective upon the date of confirmation by the Senate, to serve a four year term, to succeed Shari Feist Albrecht.

June 15, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Laura Kelly  
Governor

*Member, Pooled Money Investment Board*, Dennis McKinney, Greensburg, (D) pursuant to the authority vested in me by K.S.A. 75-4221a, and effective upon the date of confirmation by the Senate, to serve the remainder of a four year term, to succeed a vacant seat, last held by Lewis Levin.

July 23, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*Judge, Kansas Court of Appeals*, Amy Cline, Sedgwick County, (R) pursuant to the authority vested in me by K.S.A. 20-3020, and effective upon the date of confirmation by the Senate, to serve a four-year term subject to retention for successive terms by public vote, to succeed Judge Joseph Pierron, Jr.

August 17, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*At-Large Members, Kansas Lottery Commission*, Pete Brungardt, Salina, (R) pursuant to the authority vested in me by K.S.A. 74-8709, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed Jeffrey Alan Scharping.

August 24, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*Judge, Kansas Court of Appeals*, Carl Folsom III, Lawrence, KS, Democrat, pursuant to the authority vested in me by K.S.A. 20-3020 (a) and effective upon the date of confirmation by the Senate, to serve a four-year term subject to retention for successive terms by public vote, to succeed Judge Steve Leben.

August 28, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*Industry Representative, Kansas Human Rights Commission*, Christal Watson, Kansas City, (D) pursuant to the authority vested in me by K.S.A. 44-1003, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed Melvin Neufeld.

*Public Member, KU Hospital Authority*, Monte Coffman, Coffeyville, (R) pursuant to the authority vested in me by K.S.A. 76-3304, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed himself.

*Public Member, KU Hospital Authority*, Dr. Elizabeth Henderson King, Wichita, (R) pursuant to the authority vested in me by K.S.A. 76-3304, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed herself.

September 1, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*Public Member, KU Hospital Authority*, Robba Moran, Manhattan, (R) pursuant to the authority vested in me by K.S.A. 76-3304, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed herself.

September 29, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*CDI Banker, State Banking Board*, Irvin Mitchell, Russell, (U) pursuant to the authority vested in me by K.S.A. 74-3004, and effective upon the date of confirmation by the Senate, to serve a term of three years, to succeed himself.

*At-Large Member, State Banking Board*, Leonard Wolfe, Frankfort, (R) pursuant to the authority vested in me by K.S.A. 74-3004, and effective upon the date of confirmation by the Senate, to serve a term of three years, to succeed himself.

October 2, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*Public Member, KU Hospital Authority, Maureen Mahoney, Kansas City, (D)* pursuant to the authority vested in me by K.S.A. 76-3304, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed Greg Graves.

October 23, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*Governor's Appointee, KPERS Board of Trustees, James Zakoura, Overland Park, (U)* pursuant to the authority vested in me by K.S.A. 74-4905, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed himself.

October 30, 2020

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*Credit Union Administrator, Vickie Hurt, Garnett, (D)* pursuant to the authority vested in me by K.S.A. 17-2233, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed Jerel Wright.

*Public Member, Pooled Money Investment Board, Tracie Thomas, Prairie Village, (U)* pursuant to the authority vested in me by K.S.A. 75-4221a, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed Casey Lair.

*Director, Kansas Water Office, Connie Owen, Overland Park, (D)* pursuant to the authority vested in me by K.S.A. 74-2613 and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Earl Lewis.

*Public Member, Employment Security Board of Review, Valorie Jacobs, Arkansas City, (R)* pursuant to the authority vested in me by K.S.A. 74-709, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed herself.

*Public Member, KU Hospital Authority, Gregory Graves, Stilwell, (R)* pursuant to the authority vested in me by K.S.A. 76-3304, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed Mark Jorgenson.

**COMMUNICATIONS FROM STATE OFFICERS**

May 15, 2020

Dear Senator Wagle:

Steven Gould, D.C., President, Kansas State Board of Healing Arts, has announced the appointment of Tucker L. Poling as Executive Director of the Board pending Senate Confirmation.

STEVEN GOULD, D.C.  
*President, Kansas Board of Healing Arts*

May 15, 2020

Dear Mr. Chairman:

Pursuant to K.S.A. 74-7303, I am appointing Stu Hite as a member of the Crime Victims Compensation Board. Please find enclosed the appropriate paperwork required to be submitted to your office to begin the confirmation process. Mr. Hite is a new appointment to fill the unexpired four year term that will expire on March 15, 2022. Thank you for your consideration. Please let me know if you require any further information.

DEREK SCHMIDT  
*Kansas Attorney General*

July 21, 2020

Dear Senator Denning:

Pursuant to K.S.A. 74-7303, I am reappointing Richard Samaniego as the Chair of the Crime Victims Compensation Board. Mr. Samaniego is a reappointment to his current position that will expire on March 15, 2024. Please find enclosed the appropriate paperwork required to be submitted to your office to begin the confirmation process. Thank you for your consideration. Please let me know if you require any further information.

DEREK SCHMIDT  
*Kansas Attorney General*

**COMMUNICATIONS FROM STATE OFFICERS**

January 11, 2021

President Masterson:

During the 2020 Interim, the following reports were received by the Office of the Secretary of the Senate:

Johnson County Educational Research Triangle Authority; Annual Report  
Kansas Criminal Justice Reform Commission Report to the 2021 Legislature

Kansas Pooled Money Investment Board; Annual Report for Fiscal year 2020  
 Board of Indigents' Defense Services Annual Report for Fiscal Year 2019  
 From the Kansas Attorney General:  
 Report on the number of concealed carry handgun licenses for the preceding fiscal year  
 State Child Death Review Board Annual Report for 2020  
 Kansas Juvenile Justice Oversight Committee Annual Report for 2020  
 From the Kansas State Department of Education:  
 Annual report on school safety and security  
 From the Office of Governor Laura Kelly:  
 Executive Orders 20-45 through 20-73  
 Executive Directives 20-519, 20-521, 20-522, 20-523, 20-524, 20-526, 20-527 authorizing the expenditure of federal funds  
 Executive Directives 20-518, 20-525 authorizing personnel transactions  
 Executive Directives 20-520, 20-528 authorizing personnel transactions and the expenditure of federal funds

COREY CARNAHAN  
*Secretary of the Senate*

#### REFERENCE OF APPOINTMENTS

The following appointments made by the Governor and submitted to the Senate for confirmation, were referred to Committee as indicated:

*Judge, Kansas Court of Appeals, Amy Cline, Sedgwick County, (R)* pursuant to the authority vested in me by K.S.A. 20-3020, and effective upon the date of confirmation by the Senate, to serve a four-year term subject to retention for successive terms by public vote, to succeed Judge Joseph Pierron, Jr.

(Judiciary)

*Judge, Kansas Court of Appeals, Carl Folsom III, Lawrence, KS, (D)*, pursuant to the authority vested in me by K.S.A. 20-3020 (a) and effective upon the date of confirmation by the Senate, to serve a four-year term subject to retention for successive terms by public vote, to succeed Judge Steve Leben.

(Judiciary)

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The President referred **SB 13** to the Committee on **Assessment and Taxation**.

The President referred **SB 14** to the Committee on **Judiciary**.

President Masterson announced the Kansas Academy of Family Physicians has agreed to again sponsor the Doctor of the Day program this session. President Masterson thanked the Academy and Board President, Dr. Chad Johanning, for providing this outstanding service in the statehouse.

On motion of Senator Suellentrop, the Senate adjourned Pro Forma until 2:30 p.m., January 12, 2021.

# Journal of the Senate

## SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, January 12, 2021, 2:30 p.m.

The Senate was called to order Pro Forma by Vice President Rick Wilborn.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 15**, AN ACT concerning financial institutions; enacting the Kansas economic recovery loan deposit program; relating to credit unions, field of membership; banks, trust companies and savings and loan institutions, privilege tax, deduction of net interest received from certain agricultural real estate loans and single family residence loans; amending K.S.A. 75-4237 and 79-1109 and K.S.A. 2020 Supp. 17-2205 and repealing the existing sections, by Committee on Financial Institutions.

**SB 16**, AN ACT concerning the legislative division of post audit; removing the requirement to submit certain documents thereto; amending K.S.A. 22-4514a, 75 3728c, 76-721 and 79-3233b and repealing the existing sections, by Legislative Post Audit Committee.

**SB 17**, AN ACT concerning the legislative division of post audit; relating to audits; prohibiting a public agency from charging a fee under the open records act for records requested therefor; amending K.S.A. 2020 Supp. 45-219 and repealing the existing section, by Legislative Post Audit Committee.

**SB 18**, AN ACT concerning motor vehicles; relating to the registration and regulation of United States and NATO country military surplus vehicles; amending K.S.A. 8-194, 8-195 and 8-196 and K.S.A. 2020 Supp. 8-1486 and repealing the existing sections, by Committee on Transportation.

**SB 19**, AN ACT concerning roads and highways; designating a portion of United States highway 77 as the CPL Allen E Oatney and SP4 Gene A Myers memorial highway; amending K.S.A. 68-1022 and repealing the existing section, by Committee on Transportation.

**SB 20**, AN ACT concerning roads and highways; designating a portion of United States highway 69 as the Senator Dennis Wilson Memorial Highway, by Committee on Transportation.

**SB 21**, AN ACT concerning sales and compensating use tax; relating to countywide retailers' sales tax; approving election by Cherokee county; amending K.S.A. 2020 Supp. 12-187 and 12-189 and repealing the existing sections, by Committee on Assessment and Taxation.

**SB 22**, AN ACT concerning income taxation; relating to addition and subtraction modifications for the treatment of global intangible low-taxed income, business interest,

capital contributions, FDIC premiums, business meals and payment protection program loans and expenses; expanding the expense deduction for income taxpayers and calculating the deduction amount; providing the ability to elect to itemize for individuals; exemption of unemployment compensation income attributable as a result of identity fraud; increasing the net operating loss for corporations; amending K.S.A. 79-32,117, 79-32,120, 79-32,138, 79-32,143 and 79-32,143a and repealing the existing sections, by Committee on Assessment and Taxation.

SENATE CONCURRENT RESOLUTION No. 1602—

By Committee on Judiciary

A PROPOSITION to amend the constitution of the state of Kansas by adding a new article thereto stating that there is no constitutional right to abortion, and reserving to the people the ability to regulate abortion through the elected members of the legislature of the state of Kansas.

WHEREAS, This proposition to amend the bill of rights of the constitution of the state of Kansas shall be known and may be cited as the Value Them Both Amendment.

Now therefore:

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein.*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: The bill of rights of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

**"§ 22. Regulation of abortion.** Because Kansans value both women and children, the constitution of the state of Kansas does not require government funding of abortion and does not create or secure a right to abortion. To the extent permitted by the constitution of the United States, the people, through their elected state representatives and state senators, may pass laws regarding abortion, including, but not limited to, laws that account for circumstances of pregnancy resulting from rape or incest, or circumstances of necessity to save the life of the mother."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*"Explanatory statement.* The Value Them Both Amendment would affirm there is no Kansas constitutional right to abortion or to require the government funding of abortion, and would reserve to the people of Kansas, through their elected state legislators, the right to pass laws to regulate abortion, including, but not limited to, in circumstances of pregnancy resulting from rape or incest, or when necessary to save the life of the mother.

"A vote for the Value Them Both Amendment would affirm there is no Kansas constitutional right to abortion or to require the government funding of abortion, and would reserve to the people of

Kansas, through their elected state legislators, the right to pass laws to regulate abortion.

"A vote against the Value Them Both Amendment would make no changes to the constitution of the state of Kansas, and could restrict the people, through their elected state legislators, from regulating abortion by leaving in place the recently recognized right to abortion."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at a special election which is hereby called on August 2, 2022, pursuant to section 1 of article 14 of the constitution of the state of Kansas, to be held in conjunction with the primary election held on such date.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Commerce: **SB 10**.

Federal and State Affairs: **SB 2, SB 11**.

Judiciary: **SB 3, SB 4, SB 5, SB 6, SB 7, SB 8, SB 9**.

Public Health and Welfare: **SB 12**.

Ways and Means: **SB 1**.

Committee of the Whole: **SR 1704**

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

Under the authority of the President, Senator Wilborn referred **SB 22** to the Committee on **Assessment and Taxation**.

#### **COMMUNICATIONS FROM STATE OFFICERS**

The following reports were submitted to the Senate and are on file with the Secretary of the Senate:

Kansas Department of Health and Environment annual report on the Stan Clark Pregnancy Maintenance Initiative Program (PMI) (January 1, 2021)

Kansas Department for Aging and Disability Services annual report on the Transitional and Conditional Release of Persons Committed to the Sexual Predator Treatment Program (January 11, 2021)

Office of the Attorney General annual report of the Abuse, Neglect and Exploitation Unit (January 11, 2021)

Kansas State Treasurer Annual Report (January 11, 2021)

#### **MESSAGE FROM THE HOUSE**

Announcing adoption of **HR 6001**, a resolution relating to the organization of the 2021 House of Representatives and selection of the following officers:

Ron Ryckman, Speaker of the House

Blaine Finch, Speaker Pro Tem

Dan Hawkins, Majority Leader  
 Tom Sawyer, Minority Leader  
 Susan Kannarr, Chief Clerk  
 Foster Chisholm, Sgt. At Arms  
 and awaits the pleasure of the Senate.

Announcing adoption of **SCR 1601** a concurrent resolution relating to notifying the Governor that the 2021 session of the Legislature is duly organized and ready to receive communication.

## REPORTS OF STANDING COMMITTEES

Your Committee on **Confirmation Oversight** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

*Member, Employment Security Board of Review:* K.S.A. 44-709

Valorie Jacobs, to serve a term ending on March 15, 2023

*Commissioner, Kansas Human Rights Commission:* K.S.A. 44-1003

Christal Watson, Industry Representative, to serve a term ending on January 15, 2024

*Member, Kansas Lottery Commission:* K.S.A. 74-8709

Pete Brungardt, to serve a term ending on March 15, 2022

Margaret LaRue, to serve a term ending on March 15, 2024

*Member, Kansas Public Employees Retirement System Board of Trustees:* K.S.A. 74-4905

James Zakoura, to serve a term ending on January 15, 2025

*Member, Kansas Racing and Gaming Commission:* K.S.A. 74-8803

David Moses, to serve a term ending on January 15, 2024

Larry Turnquist, to serve a term ending on January 15, 2023

*Director, Kansas Water Office:* K.S.A. 74-2613

Constance Owen, to serve at the pleasure of the Governor

*Member, Pooled Money Investment Board:* K.S.A. 74-4221a

Dennis McKinney, to serve a term ending on March 15, 2022

Tracie Thomas, to serve a term ending on March 15, 2024

*Member, State Banking Board:* K.S.A. 74-3004

Mary Berry, to serve a term ending on March 15, 2021

Irvin Mitchell, to serve a term ending on March 15, 2023

Lea Tatum-Haskell, to serve a term ending on March 15, 2022

Leonard Wolfe, to serve a term ending on March 15, 2023

*Chief Hearing Officer, State Board of Tax Appeals:* K.S.A. 74-2433

Thomas Browne, to serve a term ending on January 15, 2021

*Member, State Civil Service Board:* K.S.A. 75-2929a

Thomas Wright, to serve a term ending on March 15, 2023

*Member, State Corporation Commission:* K.S.A. 74-601

Andrew French, to serve a term ending on March 15, 2024

*Administrator, State Department of Credit Unions:* K.S.A. 17-2233

Vickie Hurt, to serve a term ending on December 31, 2021

*Member, University of Kansas Hospital Authority: K.S.A. 76-3304*

Monte Coffinan, to serve a term ending on March 15, 2023

Gregory Graves, to serve a term ending on March 15, 2024

Dr. Talal Khan, to serve a term ending on March 15, 2022

Elizabeth King, to serve a term ending on March 15, 2022

Maureen Mahoney, to serve a term ending on March 15, 2023

Robba Moran, to serve a term ending on March 15, 2022

By the Adjutant General:

*Commander, Kansas Air National Guard: K.S.A. 48-205*

Col. Chris Ioder, who shall be within the classified service of the Kansas Civil Service Act

By the Attorney General:

*Member, Crime Victims Compensation Board: K.S.A. 74-7303*

Stuart Hite, to serve a term ending on March 15, 2022

Richard Samaniego, to serve a term ending on March 15, 2024

By the State Board of Healing Arts:

*Executive Director, State Board of Healing Arts: K.S.A. 65-2878*

Tucker Poling, to serve at the pleasure of the Board

#### **REPORT ON ENROLLED BILLS**

**SR 1701, SR 1702, SR 1703** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 12, 2021.

**SCR 1601** reported correctly enrolled, properly signed and presented to the Secretary of State on January 12, 2021.

On motion of Vice President Wilborn, the Senate adjourned until 2:30 p.m., Wednesday, January 13, 2021.

# Journal of the Senate

## THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, January 13, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.  
The roll was called with 38 senators present.  
Senators Claeys and Estes were excused.  
Invocation by Reverend Cecil T. Washington:

A Smile; Antidote for the Deadly Disease of Discord  
Matthew 10:1, Matthew 18:19-20, Luke 11:17

Heavenly Father, Your unfailing Word assures us, that You will bless any state of affairs, where togetherness exists; where the unity is based on a common devotion to the principles of Your Word (Matthew 18:19-20). So, when elements invade us, that are foreign to our wellbeing; when the enemy of unity looks for ways to occupy, give us one of Your tested and proven injections of love for one another. Remind us to be kind, and to try seeing things through the eyes of others. As You used the Apostles, in Matthew 10:1, to heal diseases, use us in healing the deadly diseases of discord. The diseases that divide us; the disease of pride; of unforgiveness; and of every other negative that would tempt us and diminish our success. (Luke 11:17) On this very day, by Your Holy Spirit, cleanse from us any attitude, that would hinder our attitude, since You created each of us and no one is more significant than another, help us to put a smile on someone's face, and give them a thumbs up! In the words of song writer Kirk Franklin, You even look better when you smile! Lord, in the Name of Jesus, I thank you for the day. You put a smile in my heart that in a wonderful way, showed up on my face, Amen and Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 23**, AN ACT concerning property taxation; relating to buildings and improvements destroyed or substantially destroyed by natural disaster; amending K.S.A. 79-1613 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 24**, AN ACT concerning municipalities; prohibiting any requirements that impact a customer's use of energy; relating to public utilities; creating the Kansas energy choice act, by Committee on Utilities.

**SB 25**, AN ACT concerning the regulation of traffic; prohibiting the use of a mobile

telephone while operating in a school zone or in a road construction zone or by individuals under 18 years of age; amending K.S.A. 2020 Supp. 8-2118 and repealing the existing section; also repealing K.S.A. 2020 Supp. 8-2118c, by Committee on Transportation.

**SB 26**, AN ACT concerning roads and highways; designating a portion of K-7 as the Senator Bud Burke Memorial Highway, by Committee on Transportation.

**SB 27**, AN ACT concerning health and environment; relating to the Kansas storage tank act; increasing the limit of certain liability amounts; reimbursements; extending the existence of the underground fund, aboveground fund, UST redevelopment fund and the UST redevelopment fund compensation advisory board; amending K.S.A. 65-34,105, 65-34,118, 65-34,119, 65-34,120, 65-34,123, 65-34,128, 65-34,134 and 65-34,139 and repealing the existing sections, by Committee on Federal and State Affairs.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 21**.

Financial Institutions: **SB 15**.

Judiciary: **SCR 1602**.

Transparency and Ethics: **SB 17**.

Transportation: **SB 18, SB 19, SB 20**.

Ways and Means: **SB 16**.

### COMMUNICATIONS FROM STATE OFFICERS

The following report was submitted to the Senate and is on file with the Secretary of the Senate:

Kansas Employment First Oversight Commission annual report.

### REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 13** be amended on page 2, in line 1, by striking “associated with” and inserting “of printing and postage”; in line 5, by striking “associated with” and inserting “of printing and postage for”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 14** be passed.

On motion of Senator Suellentrop, the Senate adjourned until 2:30 p.m., Thursday, January 14, 2021.

# Journal of the Senate

## FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, January 14, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.  
The roll was called with 36 Senators present.  
Senators Baumgardner, Claeys, Estes and Faust-Goudeau were excused.

Invocation by Reverend Cecil T. Washington:

Listening To The Right Voice!  
James 4:6, I Kings 19:12

Lord, with bowed heads and hearts of humility, we come today with gratefulness. We're grateful to You for the privilege we've been given to serve.

You've charged us to listen to the voice of the people; to represent them and to offer our voices on their behalf.

This is a tremendous responsibility that we cannot achieve apart from the effectiveness of Your grace. So, Lord, that we may flow in Your grace, give us the initiative to humble ourselves! So we won't have to experience, as it says in James 4:6, You resisting us and Sovereignly humbling us.

The task that You've given us requires that, in serving Your people, we listen to them; that we hear the concerns of their hearts and make decisions on their behalf.

But keep us mindful that the far greater obligation is to be serving You; to be listening for Your voice; to hear the concerns of Your heart; that our decisions will be expressions of Your will, which will ultimately be for the good of the people.

Above all, Lord, restrain us from self-serving and tune our ears to that still, small, quiet voice of Yours, described in I Kings 19:12. Because, Lord, we really don't want You to have to raise Your voice and go to getting loud on us!

Our ears are therefore open, as we are listening and longing for Your direction.

Father, I come to You in the Name of Jesus, Who gave us the best example of listening to You. Amen and Amen.

The Pledge of Allegiance was led by Vice President Wilborn.

On motion of Senator Suellentrop, the Senate recessed until the sound of the gavel.

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 28**, AN ACT concerning insurance; relating to the reinsurance of risk; updating the national association of insurance commissioners credit for reinsurance model law; insurance holding company act; codifying the national association of insurance commissioners credit for insurance model regulation; amending K.S.A. 2020 Supp. 40-221a, 40-3302, 40-3304 and 40-3306 and repealing the existing sections, by Committee on Insurance.

**SB 29**, AN ACT concerning insurance; relating to risk-based capital requirements; updating the version of instructions in effect; amending K.S.A. 2020 Supp. 40-2c01 and repealing the existing section, by Committee on Insurance.

**SB 30**, AN ACT concerning the Kansas uniform securities act; relating to victims of securities violations; powers of the administrator; administrative proceedings; criminal penalties; establishing the securities act victim restitution program; securities act victim restitution fund; amending K.S.A. 75-3036 and 77-547 and K.S.A. 2020 Supp. 17-12a508, 17-12a601 and 17-12a609 and repealing the existing sections, by Committee on Insurance.

**SB 31**, AN ACT concerning education; relating to the school district capital improvements state aid determination; excluding U.S.D. No. 207, Fort Leavenworth and virtual school students therefrom; amending K.S.A. 2020 Supp. 72-5462 and repealing the existing section, by Committee on Education.

**SB 32**, AN ACT concerning education; relating to postsecondary education; concurrent and dual enrollment; authorizing school districts to pay tuition and fees; requiring tuition waiver for foster children; report to the legislature; amending K.S.A. 72-3220, 72-3221, 72-3222, 72-3223, 72-3224 and 75-53,112 and repealing the existing sections, by Committee on Education.

**SB 33**, AN ACT concerning motor vehicles; relating to the vehicle dealers and manufacturers licensing act; providing for a display show license; allowing for new vehicle dealers and manufacturers to participate in display shows; amending K.S.A. 2020 Supp. 8-2435 and repealing the existing section, by Committee on Transportation.

**SB 34**, AN ACT concerning administrative rules and regulations; relating to automatic sunset, exceptions thereto; renewal by legislature; certification by revisor of statutes; requirements for adoption of rules and regulations, by Committee on Federal and State Affairs.

**SB 35**, AN ACT concerning elections; relating to mailing of advance voting ballots; removing the option of additional time for receipt of ballots after the third day following the date of an election; amending K.S.A. 2020 Supp. 25-1132 and repealing the existing section, by Committee on Federal and State Affairs.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 27**.

Assessment and Taxation: **SB 23**.

Transportation: **SB 25**, **SB 26**.

Utilities: **SB 24**.

## COMMITTEE OF THE WHOLE

On motion of Senator Suellentrop, the Senate resolved itself into Committee of the

Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Hilderbrand in the chair.

On motion of Senator Hilderbrand the following report was adopted:

**SB 14** be passed.

Citing Rule 51 Senator Pyle moved to strike the enacting clause on **SB 14**. A roll call was required.

On roll call, the vote was: Yeas 5; Nays 31; Present and Passing; 0; Absent or Not Voting 4.

Yeas: Doll, Olson, Pyle, Thompson, Tyson.

Nays: Alley, Billinger, Bowers, Corson, Dietrich, Erickson, Fagg, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Ware, Warren, Wilborn.

Absent: Baumgardner, Claeys, Estes, Faust-Goudeau.

The motion failed.

**SB 13** be amended by the adoption of the committee amendments and the bill be passed as amended.

A motion by Senator Doll to further amend **SB 13** failed and the following amendment was rejected: on page 8, following line 29, by inserting:

"Sec. 6. K.S.A. 2020 Supp. 79-2959 is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts that in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that: (1) No moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal years 2020 and 2021; and (2) the amount of the transfer on each such date shall be \$27,000,000 during fiscal year 2022 and all fiscal years thereafter. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be ~~revenue~~ demand transfers from the state general fund.

(c) The state treasurer shall apportion and pay the amounts transferred under subsection (b) to the several county treasurers on January 15 and on July 15 in each year as follows: (1) 65% of the amount to be distributed shall be apportioned on the basis of the population figures of the counties certified to the secretary of state pursuant to K.S.A. 11-201, and amendments thereto, on July 1 of the preceding year; and (2) 35% of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.";

Also on page 8, in line 30, after "79-2925c" by inserting "and K.S.A. 2020 Supp. 79-2959";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after the semicolon by inserting "relating to transfers

of moneys to the local ad valorem tax reduction fund;" in line 8, after "79-2925c" by inserting "and K.S.A. 2020 Supp. 79-2959".

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

On roll call, the vote was : Yeas 7; Nays 27; Present and Passing; 2; Absent or Not Voting 4.

Yeas: Doll, Francisco, Haley, Pettey, Pittman, Sykes, Ware.

Nays: Alley, Billinger, Bowers, Corson, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Holland, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Present and Passing: Hawk, Holscher.

Absent: Baumgardner, Claeys, Estes, Faust-Goudeau.

The amendment failed.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Suellentrop an emergency was declared by a 2/3 constitutional majority, and **SB 13**, **SB 14** were advanced to Final Action and roll call.

**SB 13**, AN ACT concerning property taxation; relating to tax levy rates, establishing notice and public hearing requirements prior to approval by a governing body to exceed its revenue neutral rate and discontinuing the city and county tax lid; prohibiting valuation increase of real property solely as the result of normal repair, replacement or maintenance; establishment of a payment plan for the payment of delinquent or nondelinquent taxes; amending K.S.A. 79-1460, 79-1801, 79-2024 and 79-2925c and repealing the existing sections.

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

Yeas: Alley, Billinger, Bowers, Corson, Dietrich, Erickson, Fagg, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Doll.

Present and Passing: Francisco.

Absent: Baumgardner, Claeys, Estes, Faust-Goudeau.

The bill passed, as amended.

### EXPLANATION OF VOTE

Mr. President: I vote "PASS" on **SB 13**. I appreciate that the bill eliminates the property tax lid, however I am concerned that the "revenue neutral rate" does not more appropriately take into consideration any increased valuation within a taxing subdivision for the current year.—MARCI FRANCISCO

Mr. President: The underlying policy of **SB 13**, government transparency, is something we all support for government in Kansas. I have heard from constituents that there is some room for improvement in this legislation and am concerned we have moved very quickly. Some of our colleagues have not even been in this body a week, and this non-emergency legislation has moved forward with stunning quickness. Despite some trepidation, I vote "YES" on **SB 13**. I look forward to this legislation receiving additional scrutiny and coming back to us as the best possible product.—

DINAH SYKES

**SB 14**, AN ACT concerning governmental response to the COVID-19 pandemic in Kansas; providing certain relief related to health, welfare, property and economic security during this public health emergency; relating to the state of disaster emergency; powers of the governor and executive officers; providing certain limitations and restrictions; authorizing the temporary sale of alcoholic liquor for consumption off of certain licensed premises; authorizing the expanded use of telemedicine in response to the COVID-19 public health emergency and imposing requirements related thereto; suspending certain requirements related to medical care facilities and expiring such provisions; providing for temporary suspension of certain healthcare professional licensing and practice requirements; delegation and supervision requirements; conditions of licensure and renewal and reinstatement of licensure; relating to limitations on business liability associated with the COVID-19 public health emergency; amending K.S.A. 2019 Supp. 48-925, as amended by section 34 of chapter 1 of the 2020 Special Session Laws of Kansas and 48-925, as amended by section 34 of chapter 1 of the 2020 Special Session Laws of Kansas, as amended by section 4 of this act, and K.S.A. 2020 Supp. 41-2653, 48-924, 48-924b, 48-925a, 48-963, 48-965, 48-966 and 60-5504 and repealing the existing sections.

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

Yeas: Alley, Billinger, Bowers, Corson, Dietrich, Doll, Erickson, Fagg, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettet, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Tyson.

Present an Passing: Pyle.

Absent: Baumgardner, Claey's, Estes, Faust-Goudeau.

The bill passed.

### **COMMUNICATIONS FROM STATE OFFICERS**

The following reports were submitted to the Senate and are on file with the Secretary of the Senate:

Kansas Board of Regents Post Secondary Technical Education Authority (TEA) Annual Report (September 2020)

Kansas Board of Regents Kansas Training Information Program (K-TIP) Annual Report (December 2020)

Kansas Board of Regents Student Financial Aid Annual Report (January 2021)

Kansas Board of Regents KAN-ED Summary Report (January 2021)

Kansas Board of Regents Annual Report on State University Building Inventory, Space Utilization and Facilities Condition (January 11, 2021)

Kansas Board of EMS annual report (January 14, 2021)

On motion of Senator Suellentrop, the Senate adjourned pro forma until 8:00 a.m. January 15, 2021.

# Journal of the Senate

FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, January 15, 2021, 8:00 a.m.

The Senate was called to order Pro Forma by Senator Brenda Dietrich.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 36**, AN ACT concerning motor vehicles; relating to salvage vehicles; allowing employees of salvage vehicle pools to perform vehicle identification number inspections; allowing salvage vehicle pools and salvage vehicle dealers to apply to the division of vehicles for ownership documents; providing application and notice requirements therefor; amending K.S.A. 2020 Supp. 8-116a and 8-198 and repealing the existing sections, by Committee on Transportation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 31, SB 32.**

Federal and State Affairs: **SB 34, SB 35.**

Insurance: **SB 28, SB 29, SB 30.**

Transportation: **SB 33.**

## TRIBUTES

Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of January 11 through January 15, 2021:

Senator Bowers: congratulating Tonya Merrill on receiving the 2020 Safe Kids Kansas Service Award, congratulating Jim and Lesley Ann Lewis on their 65th Wedding Anniversary, congratulating Voet Farms on receiving the 2020 Marshall County Farm Bureau Natural Resources Award, congratulating Dave Wilson on receiving the 2020 Delphos Lions Club Melvin Jones Award, congratulating Clayton and Sue Miller on receiving the 2020 Marshall County Farm Bureau Sesquicentennial Farm Award, congratulating Jim and Becky Rombeck on receiving the 2020 Marshall County Farm Bureau Sesquicentennial Farm Award, congratulating Harold Armstrong on receiving the 2020 Marshall County Farm Bureau Century Farm Award, congratulating Brian Kindall on receiving the 2020 Central Kansas District Extension Appreciation Award, celebrating Jean Harber's 100th Birthday, congratulating Loren and Rhonda Wassenburg on receiving the 2020 Marshall County Farm Bureau Farm Family of the Year Award.

On motion of Senator Suellentrop, the Senate adjourned until 2:30 p.m., Tuesday, January 19, 2021.

# Journal of the Senate

SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, January 19, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.

The Pledge of Allegiance was led by Senator Wilborn.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Transportation: **SB 36**.

## REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SCR 1602** be adopted.

## COMMUNICATIONS FROM STATE OFFICERS

The following reports were submitted to the Senate and are on file with the Secretary of the Senate:

Kansas Department of Health and Environment 2021-2025 State Solid Waste Management Plan

Kansas Department of Health and Environment Solid Waste Management Fund – A Review of Program Revenue and Expenditures in SFY 2020

Kansas Department of Health and Environment Household Hazard Waste Program SFY 2020 Report to the Legislature

Kansas Department of Health and Environment Dry Cleaner Remediation Program 2020 Report to the Kansas Legislature

Kansas Department of Health and Environment Storage Tank Program SFY 2020 Report to the Kansas Legislature

Kansas Department of Health and Environment Water Pollution Control Revolving Fund Annual Report for FY 2020

Kansas Department of Health and Environment Public Water Supply Loan Fund Annual report for FY 2020

On motion of Senator Suellentrop, the Senate adjourned Pro Forma until 9:30 a.m., January 20, 2021.

# Journal of the Senate

SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, January 20, 2021, 9:30 a.m.

The Senate was called to order Pro Forma by Vice President Rick Wilborn.

## **MESSAGES FROM THE GOVERNOR**

Enclosed herewith is Executive Directive No. 21-529 for your information. (January 14, 2021).

On motion of Senator Suellentrop, the Senate adjourned until 2:30 p.m., Thursday, January 21, 2021.

# Journal of the Senate

## EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, January 21, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.  
The roll was called with 38 senators present.  
Senator Estes was excused; Senator Pyle was unexcused.

Invocation by Reverend Cecil T. Washington:

Paying For Our Leaders And Peaceful Lives!  
Romans 13:1, I Timothy 1:1-4, I Thessalonians 5:17

Heavenly Father, In the United States Capital, here in Kansas, and in capitals all across this land, there are new individuals taking oaths to serve under Your Divine authority.

We find in Romans 13:1 that it is by Your divine providence, that each of these positions is filled. And in I Timothy 1:1-4, You tell us to pray for our leaders, so that we may live peaceful, quiet, lives; lives that reflect a calm Godly dignity. And, You give us this very critical directive in I Thessalonians 5:17. You tell us to “Pray, Without Ceasing!”

But Lord, with all the unrest that we see it seems that we’re not praying enough, or maybe there’s not enough of us praying. Lord, You call us to pray, because the reconciling of differences; the ending of hostilities begins with You. It starts at the top.

So Lord, we look to You! We appeal to You! Give us the wisdom and the guidance to reject ways that injure, and to hold tightly to ways that are Godly. We’re trusting You to take us to that place of peace.

I bring this humble request to You, in the precious Name of Jesus, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

On motion of Senator Suellentrop, the Senate recessed until the sound of the gavel.

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

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 37**, AN ACT concerning insurance; relating to producer licensing requirements; agent conduct; pertaining to examinations; fees; renewal dates; suspension, revocation or denial of licensure; licensure renewal; amending K.S.A. 2020 Supp. 40-241, 40-4902, 40-4903, 40-4905, 40-4909, 40-4912, 40-4915, 40-5505 and 40-5512 and

repealing the existing sections, by Committee on Insurance.

**SB 38**, AN ACT concerning agriculture; relating to environmental remediation; establishing the Kansas pesticide waste disposal program and the Kansas pesticide waste disposal fund; permitting annual transfers from the Kansas agricultural remediation fund to the Kansas pesticide waste disposal fund; amending K.S.A. 2-3702 and K.S.A. 2020 Supp. 2-3708 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

**SB 39**, AN ACT concerning agriculture; relating to the Kansas department of agriculture; the division of animal health; license, permit and registration renewal deadlines; calfhood vaccination tag fees; amending K.S.A. 47-1208 and K.S.A. 2020 Supp. 47-1001e, 47-1002, 47-1503, 47-1805, 47-1831 and 47-2101 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

**SB 40**, AN ACT concerning agriculture; relating to the Kansas department of agriculture division of conservation; implementing the provisions of 2011 executive reorganization order No. 40; amending K.S.A. 2-1916, 49-605, 49-611, 49-613, 49-618, 49-620, 49-623, 82a-1602, 82a-1603, 82a-1607 and 82a-1702 and K.S.A. 2020 Supp. 2-1903, 2-1904, 2-1907, 2-1907c, 2-1908, 2-1915, 2-1930, 2-1931, 2-1933, 49-603, 49-606 and 49-621 and repealing the existing sections; also repealing K.S.A. 49-619, by Committee on Agriculture and Natural Resources.

**SB 41**, AN ACT concerning insurance; relating to certain health benefit plans; certain prescription drug benefits; establishing a \$100 maximum out-of-pocket cost-share per month per covered person for prescription insulin, by Committee on Federal and State Affairs.

**SB 42**, AN ACT concerning the department of health and environment; relating to the study and investigation of maternal deaths in the state of Kansas; amending K.S.A. 65-177 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 43**, AN ACT concerning postsecondary education; relating to the state board of regents; creating the Kansas promise scholarship act and the Kansas promise scholarship program fund, by Committee on Education.

**SB 44**, AN ACT concerning the state treasurer; relating to the low-income family postsecondary savings accounts incentive program; expanding the program to include military servicemember dependent children; allowing contributions from charitable organizations; amending K.S.A. 75-650 and repealing the existing section, by Committee on Education.

**SB 45**, AN ACT concerning property taxation; relating to buildings and improvements destroyed or substantially destroyed by natural disaster; amending K.S.A. 79-1613 and repealing the existing section, by Senator Holland.

**SB 46**, AN ACT concerning income taxation; relating to Kansas adjusted gross income; providing a subtraction modification for amounts received from employer-sponsored retirement plans; amending K.S.A. 79-32,117 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 47**, AN ACT concerning income taxation; enacting the Kansas taxpayer protection act; relating to paid tax return preparers; requiring a signature and tax identification number on returns and claims; authorizing actions by the secretary of revenue to enjoin certain conduct, by Committee on Assessment and Taxation.

**SB 48**, AN ACT concerning insurance; relating to health insurance plans; providing requirements for coverage of diagnostic examinations for breast cancer; amending

K.S.A. 2020 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Senator Sykes.

**SB 49**, AN ACT concerning income taxation; relating to credits; extending the time period and expanding eligibility for the single city port authority credit; amending K.S.A. 79-32,212 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 50**, AN ACT concerning taxation; relating to marketplace facilitators; requiring the collection and remittance for sales, compensating use and transient guest taxes and prepaid wireless 911 fees made on platforms; removing click-through nexus provisions; amending K.S.A. 79-3702 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 51**, AN ACT concerning the state department of education and the department for children and families; relating to students in foster care; requiring a Kansas foster care children annual academic report card, by Committee on Education.

**SB 52**, AN ACT establishing the Sedgwick county urban area nuisance abatement act, by Committee on Ways and Means.

**SB 53**, AN ACT concerning charter commissions; establishing the membership of the Sedgwick county charter commission, by Committee on Ways and Means.

**SB 54**, AN ACT concerning civil actions; relating to the protection from abuse act; expanding reasons to extend order; tolling time in prison; amending K.S.A. 2020 Supp. 60-3107 and repealing the existing section, by Committee on Ways and Means.

**SB 55**, AN ACT concerning the healing arts; relating to healing arts schools; professional services performed thereby; authorization thereof; amending K.S.A. 2020 Supp. 17-2707, 17-7668 and 65-2877a and repealing the existing sections, by Committee on Education.

**SB 56**, AN ACT concerning human trafficking; relating to notice offering help to victims of human trafficking; requiring certain businesses and public places to post such notice; amending K.S.A. 75-759 and repealing the existing section, by Committee on Judiciary.

**SB 57**, AN ACT concerning criminal procedure; relating to discharge of persons not brought promptly to trial; suspension and elimination of statutory deadlines; amending K.S.A. 2020 Supp. 22-3402 and repealing the existing section, by Committee on Judiciary.

**SB 58**, AN ACT concerning liens or claims against real or personal property; relating to prohibitions on certain filings; notice; criminal penalties; amending K.S.A. 2020 Supp. 58-4301 and 58-4302 and repealing the existing sections, by Committee on Judiciary.

**SB 59**, AN ACT concerning crimes, punishment and criminal procedure; relating to sex offenses; changing terminology; selling sexual relations; promoting the sale of sexual relations; buying sexual relations; amending K.S.A. 68-2255 and K.S.A. 2020 Supp. 21-5401, 21-6328, 21-6419, 21-6420, 21-6421, 21-6422, 22-2515, 22-2530, 22-3901, 22-4902, 22-4906, 38-2202, 38-2287, 41-3111, 41-2601, 60-31a02 and 60-4104 and repealing the existing sections, by Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Announcing passage of **SB 14**.

### CONSIDERATION OF APPOINTMENTS

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

Senator Suellentrop moved the following appointments be confirmed as recommended by the Committee on **Confirmation Oversight**.

*By the Governor*

On the appointment to the:

*Department of Credit Unions:*

Vickie Hurt, to serve a term ending December 31, 2021

On roll call, the vote was: Yeas 36; Nays 0; Present and Passing 0; Absent or Not Voting 4.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Peck, Pyle.

The appointment was confirmed.

*By the Attorney General*

On the appointment to the:

*Kansas Crime Victims Compensation Board:*

Richard Samanigo, to serve a term ending March 15, 2024

On roll call, the vote was: Yeas 36; Nays 0; Present and Passing 0; Absent or Not Voting 4.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Peck, Pyle.

The appointment was confirmed.

*By the Attorney General*

On the appointment to the:

*Kansas Crime Victims Compensation Board:*

Stuart Hite, to serve a term ending March 15, 2022

On roll call, the vote was: Yeas 36; Nays 0; Present and Passing 0; Absent or Not Voting 4.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Peck, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Employment Security Board of Review:*

Valorie Jacobs, to serve a term ending March 15, 2023

On roll call, the vote was: Yeas 36; Nays 0; Present and Passing 0; Absent or Not Voting 4.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Peck, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Commander, Kansas Air National Guard:*

Chris Ioder

On roll call, the vote was: Yeas 36; Nays 0; Present and Passing 0; Absent or Not Voting 4.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Peck, Pyle.

The appointment was confirmed.

*By the Board of Healing Arts*

On the appointment to the:

*State Board of Healing Arts:*

Tucker Poling, to serve at the pleasure of the board

On roll call, the vote was: Yeas 36; Nays 0; Present and Passing 0; Absent or Not Voting 4.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Peck, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Corporation Commission:*

Andrew French, to serve a term ending March 15, 2024

On roll call, the vote was: Yeas 36; Nays 0; Present and Passing 0; Absent or Not Voting 4.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland,

Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Peck, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Human Rights Commission:*

Christal Watson, to serve a term ending January 15, 2024

On roll call, the vote was: Yeas 36; Nays 0; Present and Passing 0; Absent or Not Voting 4.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Peck, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Lottery Commission:*

Margaret La Rue, to serve a term ending March 15, 2024

On roll call, the vote was: Yeas 36; Nays 0; Present and Passing 0; Absent or Not Voting 4.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Peck, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Lottery Commission:*

Pete Brungardt, to serve a term ending March 15, 2022

On roll call, the vote was: Yeas 36; Nays 0; Present and Passing 0; Absent or Not Voting 4.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Peck, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Public Employees Retirement Board of Trustees:*

James Zakoura, to serve a term ending January 15, 2025

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Olson.

Absent or Not Voting: Estes, Hawk, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Racing and Gaming Commission:*

David Moses, to serve a term ending January 15, 2024

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Racing and Gaming Commission:*

Larry Turnquist, to serve a term ending March 15, 2023

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Water Office:*

Constance Owen, to serve at the pleasure of the Governor

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware,

Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Pooled Money Investment Board:*

Dennis McKinney, to serve a term ending March 15, 2022

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Pooled Money Investment Board:*

Tracie Thomas, to serve a term ending March 15, 2024

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Board of Tax Appeals:*

Thomas Browne, to serve a term ending January 15, 2021

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Civil Service Board:*

Thomas Wright, to serve a term ending March 15, 2023

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

Voting 3.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Banking Board:*

Mary Berry, to serve a term ending March 15, 2021

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Banking Board:*

Irvin Mitchell, to serve a term ending March 15, 2023

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Banking Board:*

Lea Tatum-Haskell, to serve a term ending March 15, 2022

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Banking Board:*

Leonard Wolfe, to serve a term ending March 15, 2023

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*University of Kansas Hospital Authority:*

Monte Coffman, to serve a term ending March 15, 2023

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*University of Kansas Hospital Authority:*

Greg Graves, to serve a term ending March 15, 2024

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*University of Kansas Hospital Authority:*

Talal Khan, to serve a term ending March 15, 2022

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland,

Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*University of Kansas Hospital Authority:*

Elizabeth King, to serve a term ending March 15, 2022

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*University of Kansas Hospital Authority:*

Maureen Mahoney, to serve a term ending March 15, 2023

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Pyle.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*University of Kansas Hospital Authority:*

Robba Moran, to serve a term ending March 15, 2022

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes, Hawk, Pyle.

The appointment was confirmed.

**REPORTS OF STANDING COMMITTEES**

Committee on **Agriculture and Natural Resources** recommends **SB 27** be passed.

Committee on **Judiciary** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Judge, Court of Appeals: K.S.A. 2020 Supp. 20-3020

Amy Cline, to fill a term expiring on January 9, 2023

Also, begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee reports without recommendation to the Senate such appointment:

By the Governor:

Judge, Court of Appeals: K.S.A. 2020 Supp. 20-3020

Carl Folsom, III, to fill a term expiring on January 9, 2023

### CONSIDERATION OF APPOINTMENTS

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

Senator Suellentrop moved the following appointments be confirmed as recommended by the **Committee on Judiciary**.

*By the Governor*

On the appointment to the:

*Kansas Court of Appeals:*

Carl Folsom

On roll call, the vote was: Yeas 18; Nays 17; Present and Passing 3; Absent or Not Voting 2.

Yeas: Billinger, Bowers, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Longbine, McGinn, O'Shea, Pettey, Pittman, Sykes, Ware.

Nays: Alley, Baumgardner, Claey's, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Masterson, Olson, Peck, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren.

Present and Passing: Kloos, Petersen, Wilborn.

Absent or Not Voting: Estes, Pyle.

The appointment was not confirmed.

### EXPLANATION OF VOTE

Mr. President: We had the opportunity to appoint a man of integrity and an enormously qualified attorney to the bench today. We had the opportunity to choose courage over comfort and appoint someone with a unique, valuable perspective to serve on our appellate court. It is disappointing that this body considers the execution of our constitution to be too unsavory a duty for a well-respected attorney to serve as a judge. And it is damning that participation in constitutionally-guaranteed due process is considered radical activism by some in this chamber. In not confirming Carl Folsom for the second time today, we have failed Kansans and our constitution.—DINAH SYKES

Senator Pettey requests the record to show that she concurs with the Explanation of Vote offered by Senator Sykes.

*By the Governor*

On the appointment to the:

*Kansas Court of Appeals:*

Amy Cline

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 1; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Present and Passing: Hilderbrand

Absent or Not Voting: Estes, Pyle.

The appointment was confirmed.

On motion of Senator Suellentrop, the Senate adjourned Pro Forma until 8:30 a.m. January 22, 2021.

# Journal of the Senate

NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, January 22, 2021, 8:30 a.m.

The Senate was called to order Pro Forma by Vice President Rick Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 60**, AN ACT concerning crimes, punishment and criminal procedure; relating to jurisdictional application; defining proximate result for purposes of determining when a crime is committed partly within this state; amending K.S.A. 2020 Supp. 21-5106 and repealing the existing section, by Committee on Insurance.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 38, SB 39, SB 40.**

Assessment and Taxation: **SB 45, SB 46, SB 47, SB 49, SB 50.**

Education: **SB 43, SB 51.**

Insurance: **SB 37.**

Judiciary: **SB 54, SB 56, SB 57, SB 58, SB 59.**

Local Government: **SB 52, SB 53.**

Public Health and Welfare: **SB 41, SB 42, SB 48, SB 55.**

Ways and Means: **SB 44.**

## MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5001**.

**HCR 5001** was thereupon introduced and read by title.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Under the authority of the Senate President, the Vice President referred **HCR 5001** to the **Committee of the Whole**.

On motion of Senator Suellentrop, the Senate recessed until the sound of the gavel.

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## MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5003**.

**HCR 5003** was thereupon introduced and read by title.

## HOUSE CONCURRENT RESOLUTION No. 5003—

By Committee on Federal and State Affairs

A PROPOSITION to amend the bill of rights of the constitution of the state of Kansas by adding a new section thereto stating that there is no constitutional right to abortion and reserving to the people the ability to regulate abortion through the elected members of the legislature of the state of Kansas.

WHEREAS, This proposition to amend the bill of rights of the constitution of the state of Kansas shall be known and may be cited as the Value Them Both Amendment.

Now, therefore:

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: The bill of rights of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

**"§ 22. Regulation of abortion.** Because Kansans value both women and children, the constitution of the state of Kansas does not require government funding of abortion and does not create or secure a right to abortion. To the extent permitted by the constitution of the United States, the people, through their elected state representatives and state senators, may pass laws regarding abortion, including, but not limited to, laws that account for circumstances of pregnancy resulting from rape or incest, or circumstances of necessity to save the life of the mother."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*"Explanatory statement.* The Value Them Both Amendment would affirm there is no Kansas constitutional right to abortion or to require the government funding of abortion, and would reserve to the people of Kansas, through their elected state legislators, the right to pass laws to regulate abortion, including, but not limited to, in circumstances of pregnancy resulting from rape or incest, or when necessary to save the life of the mother.

"A vote for the Value Them Both Amendment would affirm there is no Kansas constitutional right to abortion or to require the government funding of abortion, and would reserve to the people of Kansas, through their elected state legislators, the right to pass laws to regulate abortion.

"A vote against the Value Them Both Amendment would make no changes to the constitution of the state of Kansas, and could restrict the people, through their elected state legislators, from regulating abortion by leaving in place the recently recognized right to abortion."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the

members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at a special election which is hereby called on August 2, 2022, pursuant to section 1 of article 14 of the constitution of the state of Kansas, to be held in conjunction with the primary election held on such date.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

On the authority of the President, Senator Dietrich referred **HCR 5003** to the **Committee of the Whole**.

#### CHANGE OF REFERENCE

Under the authority of the Senate President, Senator Dietrich withdrew **SB 44** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Education**.

Under the authority of the Senate President, Senator Dietrich withdrew **SB 48** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Insurance**.

Under the authority of the Senate President, Senator Dietrich withdrew **SB 55** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Education**.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Masterson, Suellentrop and Sykes introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1705—

A RESOLUTION adopting rules for the Senate of the State of Kansas for the terms of the Senators commencing with the 2021 regular session of the Legislature.

*Be it resolved by the Senate of the State of Kansas:* The following rules shall be the rules of the Senate for the terms of the Senators commencing with the 2021 regular session of the Legislature.

#### RULES OF THE SENATE 2021-2024

**Rule 1. Time of Meetings.** The Senate on the first day of a session shall convene at 2:00 p.m., and at all other times shall convene at 2:30 p.m., unless otherwise ordered by the Senate.

**Rule 2. Convening – Quorum – Assuming Duties of Chair.** (a) The President shall take the chair at the hour fixed for the convening of the Senate, and the roll shall be called in order to ascertain if a quorum is present. A majority of the Senators then elected (or appointed) and qualified shall constitute a quorum, and, in the absence of a quorum, the Senators present, by majority vote, may take such measures as they shall deem necessary to secure the presence of a quorum.

(b) In the absence of the President, the Vice President shall assume the duties of the President. The President or Vice President may also name any Senator to temporarily perform the duties of the chair, but the Senator so named shall not act as President beyond adjournment, unless by leave of the Senate. A Senator shall not lose the right of voting on any subject while serving or acting as President.

**Rule 3. Absence of Member.** No Senator shall fail to attend when the Senate is in session without first obtaining leave of the Senate, unless prevented from attending by sickness or other sufficient cause.

**Rule 4. Order of Business and Session Proforma.** The order of business, following the roll call and prayer by the Chaplain, shall be as follows:

1. Introduction and reference of bills and concurrent resolutions.
2. Consideration of messages from the Governor.
3. Communications from state officers.
4. Consideration of messages from the House of Representatives.
5. Consideration of motions to concur or nonconcur.
6. Reports of select committees.
7. Consent Calendar.
8. Final Action on bills and concurrent resolutions.
9. Introduction of original motions and senate resolutions.
10. Correction and approval of the Journal.
11. Consideration of motions and senate resolutions.
12. Reports of standing committees.
13. General orders.

The Senate may meet from time to time for the sole purpose of processing routine business of the Senate. These sessions shall be known as Session Proforma.

(1) Time of Meeting. Session Proforma shall be announced at least one legislative day in advance with the hour for meeting Proforma set on the previous legislative day.

(2) Order of Business. The only orders of business that may be considered during Session Proforma are:

- (a) Introduction and reference of bills and concurrent resolutions.
- (b) Receipts of messages from the Governor.
- (c) Communications from state officers.
- (d) Receipt of messages from the House of Representatives.
- (e) Reports of select and standing committees.
- (f) Presentation of petitions.

(3) Motions. No motion shall be in order other than the motion to adjourn.

(4) Objections. Any objection by any member shall require the Session Proforma to adjourn to the next day, Saturday and Sunday excluded, at 2:30 p.m.

(5) Quorum and Roll. There shall be no requirement for a quorum or taking of the roll. No demand for a roll call for a quorum shall be in order.

(6) Effect of Certain Rules. If a legislative day referred to in Rule 11, 12, 28, 32, 33, 53, 56, 68 or 69 occurs on a legislative day which is also the day on which a Session Proforma is held, the term "legislative day" as used in such rule means the next legislative day subsequent to the legislative day on which the Session Proforma is held. The presentation of petitions shall be a special order of business on Friday of each week immediately preceding the regular order of business.

**Rule 5. Business in Order at Any Time.** Messages from the Governor, messages

from the House of Representatives, introduction and reference of bills and concurrent resolutions, reports of standing committees and reports of select committees may be received and considered under any order of business.

**Rule 6. Special Order.** Whenever any bill or other matter is made the special order for a particular day, and shall not be reached or completed on that day, it shall be returned to its place in the General Orders, unless it shall be made the special order for another day. When any special order is under consideration, it shall take precedence over any special order for a subsequent hour of the same day, but such subsequent special order shall be taken up immediately after the previous order has been disposed of. Notation of a special order shall be placed before the first order of business on the calendar for that day, giving the subject to be considered and the time fixed for its consideration. When that time arrives, other business shall be suspended until the special order has been considered.

**Rule 7. Standing Committees (Corrected).** (a) There shall be a standing committee named the Committee on Organization, Calendar and Rules which shall consist of three members, the chairperson of which shall be the president of the Senate, and the vice chairperson of which shall be the majority leader of the Senate. The Vice President of the Senate shall be a member of the committee. No bill or resolution other than resolutions adopting, amending or revoking rules of the Senate or Joint Rules of the Senate and House of Representatives, shall be introduced by or be referred to the Committee on Organization, Calendar and Rules.

(b) The following shall be the other standing committees:

	Number of members
1. Agriculture and Natural Resources.....	9
2. Assessment and Taxation.....	9
3. Commerce .....	9
4. Confirmation Oversight .....	6
5. Education .....	9
6. Federal and State Affairs .....	9
7. Financial Institutions and Insurance .....	9
8. Interstate Cooperation.....	7
9. Judiciary .....	9
10. Local Government .....	11
11. Public Health and Welfare .....	9
12. Redistricting .....	9
13. Transparency and Ethics .....	11
14. Transportation .....	9
15. Utilities .....	11
16. Ways and Means .....	9

(c) The president of the Senate, with the advice of the majority leader and the vice president of the Senate, shall appoint the members of each committee, shall appoint the chairperson and vice chairperson or vice chairpersons thereof and shall designate the ranking minority member of each committee. The minority leader shall submit recommendations for the appointment of minority members to the standing committees of the Senate to the Committee on Organization, Calendar and Rules. The Committee

on Organization, Calendar and Rules shall have a standing subcommittee on calendar which shall be the president of the Senate, the vice president of the Senate and the majority leader of the Senate. The Majority Leader shall be the chairperson of the subcommittee. The Committee on Organization, Calendar and Rules may establish such other subcommittees of the Committee on Organization, Calendar and Rules as the Committee deems appropriate.

(d) The Committee on Organization, Calendar and Rules shall have a standing subcommittee on rules which shall be the president of the Senate, the vice president of the Senate, the majority leader of the Senate, one member of the Senate from the majority party appointed jointly by the president of the Senate, the vice president of the Senate and the majority leader of the Senate and one member who shall be the minority leader of the Senate or the designee of the minority leader. The chairperson of the subcommittee on rules shall be the vice president of the Senate. The subcommittee on rules shall consider rules questions arising during a convening of the Senate.

(e) The Committee on Organization, Calendar and Rules and all of its subcommittees may close their meetings.

(f) The two major political parties shall have proportional representation on each standing committee other than the Committee on Organization, Calendar and Rules. In the event application of the preceding sentence results in a fraction, the party having a fraction exceeding .5 shall receive representation as though such fraction were a whole number.

(g) The Senate standing Committee on Agriculture and Natural Resources shall constitute the successor committee to the Senate standing Committee on Agriculture and the Senate standing Committee on Natural Resources for purposes of references in statutory and other documents. The Senate standing Committee on Ethics, Elections and Local Government shall constitute the successor committee to the Senate standing Committee on Ethics and Elections and the Senate standing Committee on Local Government.

(h) For purposes of references in statutes and other documents, the Senate standing Committee on Local Government shall constitute the successor committee to the Senate standing Committee on Ethics, Elections and Local Government regarding local government matters and the Senate standing Committee on Transparency and Ethics shall constitute the successor committee to the Senate standing Committee on Ethics, Elections and Local Government regarding ethics and election matters.

**Rule 8. Special and Select Committees.** Special and Select committees of the Senate and the Chairperson thereof shall be appointed by the President.

**Rule 9. Standing Committees – Duties of Chairperson, etc.** (a) The chairperson of each committee shall preside at all meetings of the committee. The chairperson may designate another member to preside in the absence of the chairperson and vice chairperson.

(b) The chairperson of each committee may call a special meeting of the committee when necessary.

(c) The chairperson shall have full charge of the committee.

(d) The chairperson of each committee shall cause minutes of each meeting of the committee to be prepared, subject to approval of the committee within 14 session days or by sine die adjournment, whichever is earlier. The Senate portion of the Legislature's website and the minutes shall show the name of the member, person, state or local

agency, organization or entity that requested a bill or resolution for introduction, the action taken by the committee upon each bill or resolution considered and the amendments, if any, voted upon and the disposition of each, whether adopted or not. At the request of the author of a bill or resolution or any amendment to a bill or resolution, or on request of any member of the committee, the intent of the author shall be stated in the committee minutes. At the conclusion of each legislative session, copies of all committee minutes shall be filed with the Director of Legislative Administrative Services.

**Rule 10. Vote in Senate Committee.** At the time of taking any action upon any bill or resolution, any member of a committee may demand a division of the vote and the chairperson shall be required to record the number of votes for and against the action as a part of the minutes.

**Rule 11. Committee Action on Bills and Resolutions.** (a) A committee may recommend that the Senate act favorably, unfavorably or without recommendation upon any measure or may recommend amendments to measures referred to it which are germane to the subject of the measure. If a committee recommends amendments to a bill or resolution referred to it which strike out all of the material in the bill or resolution subsequent to the enacting clause or resolving clause and inserts new material, and the bill or resolution was sponsored by an individual member or members, the committee becomes the sponsor of the bill or resolution and the committee name will be printed on the bill or resolution as the sponsor. Committee recommendations shall be made by committee report to the Senate. Committee reports shall be signed by the chairperson, and shall be transmitted to the Senate not later than the second legislative day following the action of the committee.

(b) When a committee fails to report on any bill or resolution following reference to such committee, it may be withdrawn from the committee by an affirmative vote of 24 members of the Senate on a motion made as provided in this subsection. Such a motion shall be made in writing, giving the reasons for withdrawal from the committee. Such motion shall be made under the order of business introduction and notice of original motions and Senate resolutions. Only one bill or resolution may be named in such a motion. The motion shall be read by the reading clerk or the member making the motion and shall be printed in the calendar of the next legislative day under the order of business consideration of motions and Senate resolutions offered on a previous day. The motion shall be considered on the legislative day following the day it is made. If the motion prevails, the bill or resolution shall be placed on the calendar under the order of business General Orders.

(c) Motions to withdraw a bill or resolution from a committee are not subject to amendment or debate.

**Rule 12. Adversely Reported Bills and Resolutions.** All bills or resolutions adversely reported shall go upon the Calendar for one day, under the head of Bills Adversely Reported. A motion to place an adversely reported bill (or resolution) under the order of business General Orders on the Calendar shall be made when the bill (or resolution) is upon the Calendar and shall be made when Introduction of Original Motions and Senate Resolutions is in order, and that motion shall then lie over until the next legislative day when the order of business Consideration of Motions and Senate Resolutions is reached, but if such motion is defeated once it shall not be renewed. If an adversely reported bill or resolution has been previously referred separately under Rule

32 (authorizing the reference of the same bill or resolution to two or more standing committees), then the motion shall be to return the adversely reported bill (or resolution) with the committee report attached to the next committee to which it was referred. If the motion to place the bill (or resolution) on the Calendar under the order of business General Orders or to return the bill (or resolution) to the next committee of reference shall prevail, then the words "Adversely Reported" shall be printed in a line underneath the title of the bill or resolution, and to prevail such motion shall require an affirmative vote of 24 members of the Senate.

**Rule 13. When Bill or Concurrent Resolution Placed on General Orders.** When a bill or a concurrent resolution to amend the constitution has been reported to the Senate by a committee with the recommendation that it pass or be adopted, it shall immediately be placed on the Calendar under the order of business General Orders.

**Rule 14. Address the President – To Be Recognized – Speak But Twice on the Same Subject.** Every Senator rising to debate or to present any matter shall address the President and shall not proceed until recognized. When two or more Senators shall address the President at the same time, the President shall name the Senator who is to speak first. No Senator, except for the Senator who is carrying a bill, resolution or report, shall speak more than twice on the same day on the same subject without leave of the Senate.

**Rule 15. No Senator Shall Be Interrupted.** No Senator, when speaking shall be interrupted except by a call to order by the presiding officer, or by a Senator through the presiding officer, desiring to ask a question. If a Senator speaking yields to a question, the interruption shall be confined solely to such question. Senators shall be referred to as "the Senator from \_\_\_\_\_" (naming the Senator's home county) followed by the Senator's title and name.

**Rule 16. Personal Privilege.** Senators raising a point of personal privilege shall confine themselves to remarks which concern themselves personally and shall not address or debate matters under consideration by the Senate.

**Rule 17. Questions of Order – How Determined.** A question of order may be raised at any time and when a Senator shall be called to order the Senator shall stop speaking until the presiding officer has determined whether the Senator was in order. Every question of order shall be decided by the presiding officer, subject to an appeal to the Senate by any member. The vote on an appeal to the Senate under this rule shall not be a roll call vote. Every appeal on a question of order shall be taken without debate.

**Rule 18. Explaining Votes.** Senators may explain their votes only after every Senator first has had the opportunity to vote. Thereafter, an explanation of vote may be heard followed by the opportunity for any Senator to change their vote before the roll is closed and the tally of the vote is recorded. Not more than two minutes shall be allowed for any explanation. The explanation shall be inserted in the Journal if the Senator makes a request at the time of voting or makes a request of the Secretary of the Senate prior to adjournment, and the written explanation is presented to the Secretary of the Senate during or within two hours following that day's adjournment on the same legislative day. No Senator in explaining a vote may use the name of or otherwise identify any other Senator as part of the explanation without the consent of the other Senator. No written explanation shall contain more than 200 words. If the written explanation contains more than 200 words, only the first 200 words of the explanation shall be printed in the journal.

**Rule 19. Vote Unless Excused – Contempt.** Any Senator, who is directly interested in a question, may be excused from voting, even though there is a call of the Senate. The Senator, who is requesting to be excused from voting, shall state the reasons for the request, occupying not more than five minutes. Such statements shall be made either immediately before or immediately after the vote is called but before the result is announced. The question on excusing any Senator from voting shall be taken without debate and a majority of those voting shall be necessary to excuse the Senator. If a Senator refuses to vote, when not excused, such refusal shall constitute contempt and the President shall, in such case, order the offending Senator before the bar of the Senate and all privileges of membership shall be refused such Senator until the contempt is corrected as determined by vote of the Senate.

**Rule 20. When Not Permitted to Vote.** No Senator shall be allowed to vote unless the Senator is seated in the Senator's assigned seat within the Senate chamber when the vote is taken.

**Rule 21. Filling Certain Vacancies.** (a) When a vacancy occurs in the office of President and the Legislature is adjourned to a date more than 60 days after the occurrence of the vacancy, the Senate shall meet within 30 days and elect a member to fill the vacancy. The Vice President shall within 10 days of such occurrence issue a call for the meeting at a time not less than 10 days and not more than 20 days after the date of the call.

(b) When a vacancy occurs in the office of Vice President or majority leader of the Senate, and the Legislature is adjourned to a date more than 30 days after the occurrence of the vacancy, the President shall appoint an acting Vice President or acting majority leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled as though the acting interim appointment had not been made.

(c) When a vacancy occurs in the office of minority leader of the Senate and the Legislature is adjourned to a date more than 30 days after the occurrence of the vacancy, the assistant minority leader shall become the acting minority leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled as though the acting minority leader had not so served.

(d) It is the intention of this rule that any person elected, appointed or designated to serve in accordance herewith to fill a vacancy shall exercise all of the duties and powers of the office so filled.

**Rule 22. Party Affiliation – Change.** If any Senator changes political party affiliation: (1) From the political party of such Senator at the time of the Senator's election; or (2) if the Senator was appointed, from the political party of the district convention which elected such person to be so appointed, the following shall apply:

(a) Such Senator shall be removed from all memberships on standing and other committees, from all positions of chairperson or vice chairperson of a standing or other committee, and from any office of the Senate held at the time of such change. The Committee on Organization, Calendar and Rules shall appoint a Senator to fill any vacancy which arises under this subpart (a).

(b) The proportion of Senators from major political parties on each standing committee originally determined under Rule 7 (providing for proportional representation of members of political parties upon standing committees) shall not be altered. The Committee on Organization, Calendar and Rules shall fill each standing

committee member position vacated by such Senator by appointing a Senator of the political party from which such Senator changed.

**Rule 23. Open Meetings Provisions.** The open meeting law (K.S.A. 75-4317 et seq., and amendments thereto) shall apply to meetings of the Senate and all of its standing committees, select committees, special committees and subcommittees of any of such committees. Caucuses of Senate majority and minority parties and meetings of the Committee on Organization, Calendar and Rules and its subcommittees may be closed.

**Rule 24. Motions in Writing.** All motions to amend bills and resolutions shall be made in writing, and upon request of any Senator shall be read by the reading clerk before being voted upon. All other motions shall be reduced to writing when desired by any Senator.

**Rule 25. Motions Withdrawn.** Any motion may be withdrawn by the maker before amendment or decision is made thereon except as the foregoing is modified by Rule 40 (relating to procedure in the committee of the whole).

**Rule 26. Motions in Order When Question Under Debate.** When a question is under debate, no motion shall be in order, except:

Not Debatable

1. To fix time to which to adjourn.
2. To adjourn.
3. To lay on the table.
4. For the previous question.
5. To recess to a time certain.

Debatable

6. To postpone to a day certain.
7. To commit to a standing committee.
8. To commit to a special committee.
9. To commit to the Committee of the Whole.
10. To amend.
11. To postpone indefinitely.

The several motions specified in this rule shall have precedence in the order named and the first five shall be decided without debate.

**Rule 27. Division of Question.** (a) If the question in debate contains several points, any Senator may have the same divided, but a motion to strike out and insert shall be indivisible. When a bill or resolution is under consideration in the Senate and after debate is concluded and final action has been announced on the bill or resolution, a request for division of question shall not be in order.

(b) A request for division of question shall be in writing specifying the manner in which the question is to be divided.

(c) The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert another proposition, nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

**Rule 28. Reconsideration of Pending Matters.** When a question has been once put and decided it shall be in order for any Senator who voted with the prevailing side to move for a reconsideration thereof, but no motion for reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, nor shall any

motion for reconsideration be in order unless made on the same day on which the vote was taken or the next legislative day. No question shall be reconsidered more than once.

**Rule 29. Previous Questions.** Ten Senators shall have the right to move the previous question on any bill, resolution, message, report, amendment, or motion. If no amendment is pending the previous question shall be as follows: "Shall the main question be now put?" If the previous question is decided in the affirmative by a majority vote of those present, the main question shall be put without further amendment or debate. If amendments are pending a motion for the previous question shall concern only the last amendment that is pending on which, if the previous question is adopted, the debate will be closed only upon such amendment. The previous question on other questions than the main question shall be as follows: "Shall the question on the (amendment, amendment of an amendment, substitute or other motion affecting same as the case may be) now be put?"

**Rule 30. Endorsement on Bills, etc.** Before any bill, resolution or petition, addressed to the Senate, shall be received or read, the title of the bill or resolution or a brief statement of the contents of the petition shall be typed on the jacket, with the name of the Senator or committee introducing it.

**Rule 31. Introduction of Bills and Concurrent Resolutions.** Every bill and concurrent resolution shall be introduced by a Senator, by a committee, on the report of a committee, by message from the House of Representatives, or by proper prefiling as provided by law. For the purpose of introduction, every bill and concurrent resolution shall be placed in the possession of the secretary and the reading clerk shall read the title, except citations of statutes amended or repealed. The reading clerk shall also read the name of the sponsor of the bill or resolution if it has a single sponsor. If the bill or resolution has two sponsors the reading clerk shall read the names of both sponsors, but if the bill or resolution has more than two sponsors the reading clerk shall read the name of the first sponsor together with the words "and others."

**Rule 32. Reference of Bills and Resolutions.** All bills and resolutions shall be referred or rereferred to appropriate standing committees, special or select committees appointed under Rule 8 or the Committee of the Whole by the President. Upon the day of its introduction or upon the next legislative day, the President shall refer every bill and each concurrent resolution to be referred to the appropriate standing committee, special or select committees appointed under Rule 8 or the Committee of the Whole. Bills or resolutions prefiled under K.S.A. 46-801 et seq., and amendments thereto, may be referred by the President to the appropriate standing committee, special or select committees appointed under Rule 8 or the Committee of the Whole at any time subsequent to the prefiling of such bill or resolution with the secretary of the senate. Bills introduced by committees, if germane to the purpose and scope of the committee, may be referred to the Committee of the Whole; otherwise to the appropriate standing committee or special or select committees appointed under Rule 8. All bills making an appropriation shall be referred to the Committee on Ways and Means. The President may refer a bill or resolution to two or more standing committees or special or select committees appointed under Rule 8, or any combination thereof, jointly, or separately, in such order as the President may direct, and such bill or resolution, when so referred, shall be considered by the committees in joint meeting, or by each of the committees separately in the order named in the reference, and when the reference is made jointly, the chairperson of the committee named first shall be chairperson of the joint

committee.

**Rule 33. Consent Calendar and Recording Reports.** Whenever a standing committee is of the opinion that a bill or resolution upon which it is reporting is of non-controversial nature, it shall so state in its committee report. Whenever a bill or resolution is so reported, it shall be placed upon a separate calendar, to be known as the Consent Calendar. Each bill or resolution appearing on the Consent Calendar shall remain thereon for at least two full legislative days before being considered under the order of business Final Action. At any time prior to the call for the vote under the order of business Final Action on a bill or resolution on the Consent Calendar, any member may object to the same as being controversial and the same shall be stricken from the Consent Calendar and take its place on General Orders in the usual order. If no such objection is made prior to the call for such vote on the bill or resolution, it shall be voted upon with other bills and resolutions under the order of business Final Action but before consideration of other bills or resolutions appearing on the calendar under such order of business.

**Rule 34. Final Action on Bills and Concurrent Resolutions.** On final action on any bill or concurrent resolution, the reading clerk shall read the title, except citations to statutes amended or repealed. If the bill is reported for final action without debate, the question shall be at once put: "Shall the bill pass?" No debate shall be allowed, and no motion shall be in order except the motion for a call of the Senate, unless in case where a bill has been ordered to be placed on final action subject to amendment, or to amendment and debate or unless by the unanimous consent of the Senate, amendments may be made and considered. Like procedure shall apply to concurrent resolutions except that the question put shall be: "Shall the resolution be adopted?" On final action, bills and resolutions may be bulked together for roll call unless objection be made by any Senator.

**Rule 35. Final Passage by Yeas and Nays.** The question upon the final passage of a bill and every concurrent resolution for amendment of the constitution of Kansas or ratification of an amendment to the Constitution of the United States shall be taken by a roll call vote of the yeas and nays, which shall be entered on the Journal, and unless the bill or concurrent resolution receives the number of votes required by the constitution to pass it, it shall be declared lost, except in cases provided for in Rule 36 (relating to the absence of a quorum).

**Rule 36. No Quorum on Final Vote – Effect.** If, on taking the vote on final action on a bill or concurrent resolution, it shall appear that a quorum is not present, then the bill or concurrent resolution shall retain its place on the Calendar and shall again be considered for final action when that order of business is again taken up by the Senate.

**Rule 37. Roll Call Vote.** A roll call vote shall be taken upon all questions upon the demand of five Senators.

**Rule 38. Call of Senate – When Made – How Enforced.** (a) A call of the Senate may be had upon the demand of five Senators, pending a roll call on the final passage of any bill or resolution, or on any motion to strike the enacting clause of a bill or the resolving clause of a resolution, or indefinitely postpone any bill or resolution, and before the result is announced. When a call is demanded, the President shall order the doors of the Senate to be closed and all members to be in their seats unless excused by the President. The President shall direct the Secretary to call the roll of the Senators and note the absentees, after which the names of the absentees shall be again called, and

those for whose absence no sufficient excuse is given may be sent for and taken into custody by the Sergeant at Arms, or by Assistant Sergeants at Arms appointed for the purpose, and brought before the bar of the Senate, where unless excused by a majority of the Senators present, they shall be reproved by the President for the neglect of duty.

(b) No motion to dispense with further proceedings under the call of the Senate shall be entertained until the President shall be satisfied that the Sergeant at Arms has made diligent effort to secure the attendance of the absentees.

**Rule 39. Roll Call Votes.** Every Senator in the Senate chamber when a roll call is taken shall respond when the Senator's name is called. If there is a call of the Senate, the Senator must vote Yea or Nay, except as provided in Rule 19 (Senators excused from voting if directly interested in the question). When there is no call of the Senate, the Senator may pass and shall be recorded in the Journal as present and passing. After the roll is completed and before the roll is closed, a Senator may change such Senator's vote. No vote shall be recorded and no change in vote may be made without unanimous consent of the Senate after announcement by the presiding officer that the roll is closed. No motion shall be in order during a roll call vote except as provided under Rule 34 for final action on bills and concurrent resolutions and except for a call of the Senate.

**Rule 40. Committee of the Whole.** On motion the Senate may go into Committee of the Whole. The President shall appoint a chairperson to preside over the Committee of the Whole. The rules of the Senate shall be observed in the Committee of the Whole, so far as applicable except that there shall be no limit on the number of times of speaking and Rule 38 (authorizing a call of the senate) shall not apply. A motion to lay on the table or a call for the previous question shall not be in order. No substitute motion to amend a bill or resolution shall be in order. A substitute motion to report a bill or resolution to the full Senate once made shall be decided subject only to debate and Rule 50 (motion to strike the enacting or resolving clause). A roll call shall be had on any question subject to the requirements of Rule 37.

**Rule 41. No Quorum in Committee of the Whole – Procedure.** If at any time, when in Committee of the Whole, it be ascertained that there is no quorum present, the chairperson shall immediately vacate the chair and report the fact to the President.

**Rule 42. How Bills or Resolutions Considered – Committee of the Whole.** Bills or resolutions shall be considered in Committee of the Whole in the following manner: The standing committee report shall first be considered and if it is adopted the bill or resolution as amended by the committee report shall be considered section by section, and as each section is considered, amendments from the floor are in order to that section. If the committee report is not adopted, the bill or resolution, without committee amendments, shall be considered section by section, and as each section is considered amendments from the floor are in order to that section. After a section has been considered, no amendment thereto shall be in order until the whole bill or resolution has been read through. After the original bill or resolution, together with standing committee amendments, has been considered section by section the chairperson shall announce "Amendments to the bill (or resolution) generally are in order," and amendments not before offered may be made to any part of the bill or resolution. A motion to amend the bill or resolution shall not be in order while a motion to strike the enacting clause or resolving clause is pending.

**Rule 43. Amendments.** (1) Amendments to bills shall be germane to the subject of the bill being amended, and the fact that an amendment is to a section in the same

chapter of the Kansas Statutes Annotated as an existing section in the bill shall not automatically render the amendment germane. Amendments to concurrent resolutions for amendments of the constitution of Kansas or ratification of an amendment to the Constitution of the United States shall be germane to the subject of the resolution being amended.

(2) All amendments to bills or resolutions shall be submitted in writing on a form provided by the Senate or on a form substantially similar. All amendments to printed bills or resolutions shall specify the page and line number as shown on the printed bill or resolution. If a bill or resolution has not been printed, amendments must refer to the typed bill or resolution. All amendments adopted shall be recorded in the Journal. The action taken on all amendments, whether adopted or rejected, shall be recorded in the Journal. When a bill or resolution has been amended, it shall be engrossed before it is enrolled.

(3) In the case of amendment by substitute bill or by substitute concurrent resolution, motion shall be made to substitute a written bill or concurrent resolution for the bill or concurrent resolution under consideration.

(4) A motion to amend a motion to amend a bill or resolution shall not be in order.

(5) Unless by majority consent to correct an error in drafting, no amendment to increase the amount of expenditures that would be authorized in a provision of an appropriations bill shall be in order unless the amendment contains a provision reducing, by a like or greater amount, expenditures that would be authorized in another provision of such appropriations bill. Those portions of a motion to amend a bill as described in this subsection shall be indivisible.

**Rule 44. Report of Committee of the Whole Subject to Amendment – Time for.**

The report of the Committee of the Whole is subject to amendment to correctly reflect what has occurred in the Committee of the Whole by motions made at the time the report is offered for adoption by the Senate. When a bill is reported with the recommendation that the enacting clause be stricken, and the report is agreed to by the Senate, the bill shall be considered killed.

**Rule 45. Motion for Committee of the Whole to Rise and Report Progress.**

A motion that the Committee of the Whole shall rise and report progress on any bill shall always be in order and shall be decided without debate, and the matter being considered shall be the first order of business at the next session of the committee, subject to such postponement as the subsequent Committee of the Whole may determine. After a motion to rise and report progress has been adopted, the Subcommittee on Calendar of the Committee on Organization, Calendar and Rules may change for the resumption of the current session of the Committee of the Whole the order of consideration of bills and resolutions.

**Rule 46. Division of the Senate.** Whenever a voice vote has been taken upon any question in either the Senate or the Committee of the Whole, any Senator may call for a division of the Senate or Committee of the Whole.

**Rule 47. Bills and Resolutions to Final Action.** When the Committee of the Whole shall favorably report a bill or resolution, and the report is adopted by the Senate, the bill or resolution shall be considered as ordered to the order of business Final Action. The vote upon the final passage of the bill shall not be taken on the same day on which the bill is placed on Final Action. Bills and resolutions to be sent to the House shall be properly corrected under the supervision of the Secretary of the Senate. The Secretary

of the Senate is authorized to correct misspelled words, punctuation and "doublets" or repeated words when preparing bills, resolutions or other documents for signature by officers of the Senate and House.

**Rule 48. Bills and Resolutions – Inclusion of Amendments.** When a bill or resolution is amended, the Secretary of the Senate shall attach to the original copy all amendments made in the Senate. Substitute bills and substitute concurrent resolutions shall accompany the bill or concurrent resolution for which each is substituted. Upon passage, Senate bills or resolutions, including the original copy and amendments, shall be transmitted to the House.

**Rule 49. Reports of Transmittals in Journal – Committee – Reports.** Report of transmittal of bills and resolutions to the House shall be immediately entered upon the Journal.

**Rule 50. Motion to Strike Enacting or Resolving Clause – Debate Limited.** No Senator may speak more than twice on a motion to strike the enacting clause of a bill or the resolving clause of a resolution, and no other motion, except a motion to adjourn, shall be in order until the motion to strike the enacting clause or resolving clause has been decided by roll call vote.

**Rule 51. Two-thirds Vote Not Necessary Except on Final Passage of Resolution.** When a resolution requiring a vote of 2/3 of the Senate for adoption is under consideration, a vote of 2/3 shall not be needed to decide any question short of its final passage, except as provided by these rules.

**Rule 52. Bills and Resolutions Considered in Regular Order.** The Subcommittee on Calendar of the Committee on Organization, Calendar and Rules shall designate from day to day and from time to time the bills and resolutions to be considered that day and on the next legislative day, and the order of consideration fixed by this subcommittee shall not be changed, except by unanimous consent or by a 2/3 vote of all the members of the Senate then elected (or appointed) and qualified, if unanimous consent is refused, or as provided in Rule 45.

**Rule 53. Changing Order on Calendar.** Not more than one bill or resolution may be named in a motion to change the order of the Calendar, and on each motion no Senator except the Senator making the motion shall speak more than once, nor longer than two minutes.

**Rule 54. Resolutions – Classes – Procedures Thereon.** Resolutions shall be of the following classes: (1) Senate resolutions; and (2) Senate concurrent resolutions. In acting on them, the Senate shall observe the following procedure:

(1) Senate resolutions shall be in writing, shall be read and shall lie over one day. Senate resolutions other than resolutions for the amendment of rules of the Senate shall not be printed unless ordered by the Senate. There shall be no roll call unless ordered. With the consent of the majority of Senators present and voting, either the requirement to read Senate resolutions or the requirement to lie over one day, or both, may be dispensed with.

(2) Senate concurrent resolutions shall be in writing, shall be read by title, and shall lie over one day. All Senate concurrent resolutions shall be printed, and shall require a roll call on motion to adopt. Propositions to amend the constitution shall be made by concurrent resolution and referred to the proper committee. Other concurrent resolutions may be referred to a proper committee by the President.

(3) Notwithstanding any other rule of the Senate to the contrary, no Senator shall

request and be the primary sponsor of more than three Senate resolutions or concurrent resolutions which congratulate, commemorate, commend, honor or are in memory of any individual, entity or event during a legislative session of the Senate, except upon approval of the President.

All House concurrent resolutions, when in the Senate, shall follow the same procedure as Senate concurrent resolutions.

This rule shall not apply to resolutions relating to the business of the day, nor to resolutions for organization or adjournment.

**Rule 55. Confirmation of Appointments by Governor or Other State Official.** All nominations or appointments made by the governor or other state official, which are subject to Senate confirmation, may be considered and acted upon by the Senate in either executive or regular session except that no final action thereon may be taken in executive session. When nominations or appointments are made by the governor or other state official for confirmation by the Senate, they shall, unless otherwise ordered by the President, be referred to appropriate committees by the President. Nominations or appointments referred to committees shall be returned to the Senate within 20 legislative days after the same are referred, together with a report thereon, unless additional time be granted by a majority vote of senators present. If the nomination or appointment is not returned to the Senate within the period of time specified for its return and additional time has not been granted, the nomination or appointment shall be considered to be returned to the Senate without recommendation on the next legislative day following the last day of the period of time specified for its return. Any such appointment may be considered and acted upon by the Senate at any time after the nomination or appointment is returned to the Senate. The chairperson of the committee which recommends for confirmation a nomination or appointment may speak more than twice on the same day on the subject of the nomination or appointment. No motion to confirm any such appointment or nomination shall be in order without the unanimous consent of the Senate until the nomination or appointment is returned to the Senate, unless one day's previous notice thereof is given in open session or by posting the appointments or nominations to be considered near the entrance to the Senate chamber. Appointments shall be confirmed by the Senate only by an affirmative vote of a majority of all members of the Senate then elected (or appointed) and qualified.

**Rule 56. Admittance to Floor – Lobbying on Floor – Galleries.** No person shall be admitted to the floor of the Senate except elective state officers; members of the Legislature; friends of the members of the Senate, upon invitation signed by the President and the Senator extending the invitation; former members of the Senate, officers and employees of the legislative branch, and members of the news media who are actually employed, and who have a card of admission from the President. The Senate by resolution, may issue such invitations as it desires. Persons so admitted must stay in the perimeter of the Senate chamber except with the express permission of a member of the Senate. No one registered with the Secretary of State as an agent or lobbyist may be on the floor of the Senate during the hours of 9:30 a.m. to 4:30 p.m. nor at the time the Senate is in session. No person, other than a state officer or employee of the legislative branch or legislator, shall discuss any measure with any Senator on the floor of the Senate during the time the Senate is in session. Any person who violates this rule or any person who shall gain admission to the floor of the Senate by false representation shall be forthwith ejected from the Senate chamber and thereafter be

denied admission. No employee shall lobby for or against any measure pending in the Senate, and any employee violating this rule shall be forthwith discharged. Former members of the Senate may be introduced when on the floor, but no other introductions shall be made during the session of the Senate, except the President may announce the attendance of school students or other groups visiting the Senate.

Visitors shall be allowed in one or both galleries of the Senate in accordance with directions to the Sergeant at Arms from the President.

**Rule 57. Electronic Devices; Photographic Record of Vote.** (a) The use of telephones and the making of telephone calls in the galleries of the Senate are prohibited. Except for security personnel, the use of wireless electronic telecommunications devices emitting an audible sound or tone to announce or initiate communications in a committee room during any time when a committee or subcommittee is in session in the room, in the galleries during any time when the Senate is in session and in the Senate Chamber during any time the Senate is in session is prohibited. The use of video recorders or other video equipment in the galleries is prohibited.

(b) No photographic or similar record shall be made of the vote of any member upon any measure on which a division of the Senate has been called, except that any photographic or similar record made by the official live video feed of Senate proceedings, the credentialed media or as granted permission by the President shall be permitted.

(c) The gallery located above the offices of the President and the Majority Leader shall be considered the President's gallery. Enforcement of this rule in the President's gallery shall be subject to the discretion of the President.

**Rule 58. Chairs of Senators.** No person except a member of the Senate, shall occupy the chair of any Senator at any time except with the approval of and in the presence of a member of the Senate.

**Rule 59. The News Media.** Employees of the news media displaying a card of admission from the President may only occupy space designated for them in the Senate chamber. They shall be subject to all the rules of the Senate and shall conduct themselves with proper decorum while in the Senate chamber. They shall not lobby, directly or indirectly, for or against any measure pending before the legislature.

**Rule 60. Secretary of Senate – Duties.** The Secretary of the Senate shall be appointed by the President. It shall be the duty of the Secretary to call the roll; report correctly the result of all votes; correct the Journal as may be directed by the Senate; read all bills, resolutions, petitions or other papers which the Senate may require; deliver all messages to the House of Representatives; certify all enrolled bills and present same to the President or Vice President of the Senate for signature; endorse upon every paper presented in the Senate the successive stages of action had thereon, and see that proper records are made of the transmission of every paper from one house to the other, or from one office to another; and attend generally to such other matters as the office may require. The Secretary of the Senate shall deliver to the printer all bills and other documents ordered to be printed and take the receipt of the printer therefor. In order to secure a uniform and systematic procedure, the following clerks and their assistants shall be under the supervision of the Secretary: Assistant Secretary of the Senate, Journal Clerks, Calendar Clerks, Enrolling Clerks, Bill Status Clerk, Reading Clerk and Bill Clerk.

**Rule 61. Impeachment.** The provisions of this rule shall apply to impeachment, and nothing in the rules of the Senate or in any statute shall impair or limit the powers of the Senate with respect to impeachment. In addition to other powers, the President shall possess the powers and perform the duties in this rule.

(1) The President shall call the Senate into session within 30 days of the receipt by the President of any request by a board of managers of the House of Representatives to lay articles of impeachment before the Senate.

(2) The Senate by a majority vote of the members then elected (or appointed) and qualified may adopt, amend or suspend rules applicable to trial of any impeachment.

(3) The President and any officer or committee acting under authority of this rule may follow any statutory procedure to the extent the same is not in conflict with the provisions of this rule, but nothing in this rule nor in any statute shall be deemed to constitute a waiver of any inherent powers of the Senate.

**Rule 62. Sergeant at Arms – Duties.** The Sergeant at Arms shall be appointed by the President, and shall serve under the President's direction, control and supervision and at the President's pleasure and shall execute all orders of the President or Senate. The Sergeant at Arms shall have the general supervision of the Senate Chamber, the cloak rooms, gallery and lobby, and shall preserve order within the chamber at all times. The Sergeant at Arms may arrest and take into custody any person gaining admission to the floor of the Senate through false representations or violation of Rule 56 (listing persons authorized to be admitted to the floor of the Senate). All violations shall be immediately reported to the President for action by the Senate. No person except those entitled to admittance on the floor of the Senate pursuant to Rule 56 (listing persons authorized to be admitted to the floor of the Senate) shall lounge or loaf in the Senate chamber when the Senate is not in session, and the Sergeant at Arms shall detail at least one assistant to remain in the chamber at all times when the same is open. The President may appoint and remove Assistant Sergeants at Arms to serve under the supervision of the Sergeant at Arms. All doorkeepers and night watchmen shall be Assistant Sergeants at Arms.

**Rule 63. Requisitions for Printing.** All requisitions upon the Director of Printing for calendars, bills, documents, and printed matter of any nature whatsoever, must be approved by the Director of Legislative Administrative Services.

**Rule 64. Employees – Duties.** All employees shall report each day to their respective supervisors. The Director of Legislative Administrative Services or some person designated by the director shall keep a record of the attendance of each employee. The supervisor of an employee may discharge the employee at any time. The word "employee" as used in this section shall include all persons employed by the Senate, except the secretaries of each of the members of the Senate and except the Secretary of the Senate and Sergeant at Arms, which officers may be removed by the President of the Senate.

**Rule 65. Pages.** Not more than 20 pages shall serve during any legislative day. Appointments shall be restricted to boys and girls of middle school, junior high or high school age.

**Rule 66. Secretaries to Members.** Each Senator shall be entitled to select a secretary and shall inform the Director of Legislative Administrative Services of the selection. The secretaries shall not be paid for time they are not in attendance unless excused by their respective Senators. From the convening of the Senate until adjournment on any day, except during recesses, no Senator's secretary shall be

stationed at the Senator's desk, except that this provision shall not apply to the administrative assistant designated by the President.

**Rule 67. Suspension of Rules.** (a) A motion to suspend the rules may be made and considered under any order of business. A 2/3 affirmative vote of all Senators then elected (or appointed) and qualified shall be required for its adoption. The motion shall be decided without debate.

(b) A motion to declare an emergency, suspend the rules, and advance a bill to Final Action shall be considered as one motion. It may be made and considered immediately under any order of business, and be debatable on the question of the emergency. A 2/3 affirmative vote of all Senators then elected (or appointed) and qualified shall be required for its adoption.

(c) A bill advanced to Final Action under subsection (b) which is not considered during the legislative day on which it is advanced to Final Action shall be placed on the next legislative day on the Calendar under the order of business General Orders.

**Rule 68. Amendments to Rules.** No rule of the Senate shall be adopted, amended or revoked without a 2/3 affirmative vote of all members of the Senate then elected (or appointed) and qualified, and no motion to adopt, amend or revoke any rule of the Senate shall be in order without the unanimous consent of the Senate, unless one day's previous notice thereof shall be given in open session.

Notwithstanding any provision of the rules of the Senate to the contrary, no notice shall be required for the adoption of a resolution adopting, amending or revoking any one or more rules of the Senate at the commencement of a legislative session, and adoption of any such resolution shall require only the affirmative vote of not less than a majority of the Senators then elected (or appointed) and qualified, subject to the following conditions: (1) The resolution is sponsored by the President or any three Senators, and (2) either (a) a copy thereof is e-mailed to each Senator not later than 11:00 p.m. on the Thursday preceding the Monday on which the legislative session is to commence or (b) in lieu of e-mailing copies of the resolution are made available to Senators on the first day of the legislative session and Final Action is taken on the second legislative day.

**Rule 69. Robert's Rules of Order.** In all cases where these rules or the joint rules of the Senate and House of Representatives do not apply, the rules of parliamentary law in Robert's Rules of Order Newly Revised, 11th edition, shall govern.

**Rule 70. Number Designation of Substitute Bills and Substitute Concurrent Resolutions.** (a) Whenever a substitute bill is recommended by a committee report, and whenever a substitute bill is approved by amendment from the floor, the substitute bill shall be printed as provided for bills introduced, and the bill number designation shall be substantially as follows:

(1) In the case of bills substituted for Senate bills, "Substitute for Senate Bill No. \_\_\_\_\_," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

(2) In the case of bills substituted for House bills, "Senate Substitute for House Bill No. \_\_\_\_\_," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

(b) Whenever a substitute concurrent resolution is recommended by a committee report, and whenever a substitute concurrent resolution is approved by amendment from the floor, the substitute concurrent resolution shall be printed as provided for concurrent

resolutions introduced, and the resolution number designation shall be substantially as follows:

(1) In the case of concurrent resolutions substituted for Senate concurrent resolutions, "Substitute for Senate Concurrent Resolution No. \_\_\_\_\_," and the blank shall be filled with the number of the concurrent resolution for which substitution is made or recommended.

(2) In the case of concurrent resolutions substituted for House concurrent resolutions, "Senate Substitute for House Concurrent Resolution No. \_\_\_\_\_," and the blank shall be filled with the number of the concurrent resolution for which substitution is made or recommended.

**Rule 71. General Rule Not to Read Amendments.** Amendments to bills or resolutions shall not require readings as for bills introduced or resolutions introduced, except as otherwise provided in Rule 72 (subject matter of bill or resolution materially changed by senate amendment) or Rule 73 (subject matter of senate bill or resolution materially changed by house amendment).

**Rule 72. Subject Change by Senate.** Whenever an amendment adopted by the Senate has materially changed the subject of a bill or resolution, the title of the bill or resolution so amended shall be read in the manner prescribed for the introduction of bills or resolutions, and take its place upon the Calendar under the order of business Final Action.

**Rule 73. Subject Change by House.** Whenever the House adopts amendments to a Senate bill or senate concurrent resolution which materially changes its subject, upon return of such bill or resolution to the Senate, the title of such bill or resolution shall be read in the manner prescribed for the introduction of bills or resolutions and such bill or resolution shall be referred as provided in Rule 32 (reference of bills and resolutions).

**Rule 74. Determination of When Subject of Bill or Resolution Materially Changed.** The President may determine when a bill or resolution is subject to Rule 72 (subject matter of bill or resolution materially changed by senate amendment) or Rule 73 (subject matter of senate bill or senate concurrent resolution materially changed by house amendment). The President's determination under this rule, that a bill or resolution has been materially changed is subject to an appeal to the Senate by any member. A 2/3 vote of the members of the Senate present and voting shall be required to overturn the ruling of the chair. The vote on an appeal to the Senate under this rule shall not be a roll call vote. Every appeal under this rule shall be taken without debate.

**Rule 75. Executive Reorganization Orders.** When an executive reorganization order is received from the Governor, it shall be referred to an appropriate committee by the President. The committee to which an executive reorganization order is referred shall report its recommendations thereon, by recommending adoption of a Senate resolution, not later than the 60th calendar day of any regular session and not later than 30 calendar days after it has received such referral whichever occurs first. If a committee fails to report upon an executive reorganization order within the time specified in this rule, such committee shall be deemed to have returned the same to the Senate without recommendation. When a report or return of an executive reorganization is made, it and all resolutions for approval or disapproval thereof shall be made the special order of business in accordance with Rule 6 (special order of business) at a time not later than the last day the executive reorganization order may be disapproved under section 6 of article 1 of the Constitution of Kansas. The Senate shall act to approve or

reject every reorganization order unless at the time set for such action the House of Representatives shall have already rejected such executive reorganization order.

**Rule 76. Censure or Expulsion.** Whenever three or more Senators desire to lodge a complaint against any other Senator requesting that the Senator be censured or expelled for misconduct, the complaining Senators shall sign and file a written statement of such complaint with the Secretary of the Senate. In such event, the President shall appoint a select committee for consideration thereof composed of five Senators, no more than three of whom shall be members of the same political party, and none of whom shall have signed the complaint to be considered. The select committee may dismiss the complaint after inquiry or may set the matter for hearing. Reasonable notice and an opportunity to appear shall be afforded the Senator against whom a complaint has been filed. Select committees meeting under authority of this section shall be authorized to meet and exercise compulsory process without further authorization, subject only to the limitations and conditions prescribed in article 10 of chapter 46 of Kansas Statutes Annotated. Upon completing its hearing and deliberations thereon the select committee may dismiss the complaint or may submit a recommendation to the full Senate for censure or expulsion, and upon receiving such report the Senate may without further hearing or investigation censure or expel the member against whom the complaint was filed. Censure or expulsion of a Senator under this rule shall require a 2/3 majority vote of those members elected (or appointed) and qualified.

**Rule 77. Taking from the Table.** The affirmative vote of a 2/3 majority of all Senators then elected (or appointed) and qualified shall be required for the adoption of a motion to take any question or proposition from the table after the adoption of a motion to table or lay such question or proposition on the table. The provisions of this rule shall apply to motions both in standing committees and the Senate.

**Rule 78. Placing Material on Members' Desks.** No items or material shall be placed upon the desk of any member of the Senate unless any such item or material bears the signature or name of the Senator responsible for its distribution. This Rule 78 shall not apply to items or material provided by legislative staff, the Governor or state agencies.

**Rule 79. Decorum.** During the time the Senate is in session professional dress is required on the floor of the Senate.

#### REFERENCE OF SENATE RESOLUTIONS

Under the authority of the Senate President, Senator Dietrich referred **SR 1705** to the **Committee of the Whole**.

On motion of Senator Fagg, the Senate adjourned until 2:30 p.m., Monday, January 25, 2021.

# Journal of the Senate

## TENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
 Monday, January 25, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.  
 The roll was called with 38 senators present.  
 Senators Alley and Estes were excused.

Invocation by Reverend Cecil T. Washington:

Connecting Earthly Matters To Heavenly Concerns!  
 Isaiah 55:9, Romans 12:2, Jeremiah 18:1-9

Heavenly Father, thank You for this time of prayer, when we take a moment to connect time to eternity and to relate matters that are earthly to concerns that are Heavenly.

You said in Isaiah 55:9, that just as the heavens are higher than the earth, Your ways are higher than ours, and Your thoughts higher than ours, all the more reason that we need this prayer connection.

So Lord, as we pray, help us rise above the normal. Even when taking us higher gets uncomfortable. Show us the principles that are rooted in Your will versus the preferences rooted in self will.

You said in Romans 12:2 that we're not to let ourselves be conformed or pressed into copying worldly patterns of thinking but we're to let You alter our thinking so as to meet Your approval.

Lord, help us to remember, that the few days of authority that we have are just being loaned to us, borrowed from You, and accountable as to how we use them. And although some of the people have given us their approval, we're answerable first and foremost to You.

You are God of all creation; God of the universe and God of these United States. You are God of all those that govern. So Lord, as the potter in Jeremiah 18:1-9 shapes, molds, and reshapes the clay to conform it to His liking, do that with us.

After all has been said and done, when we look back upon these days, and stand before Your throne, Lord, we want to hear words that denote Your approval.

This prayer is uttered in the precious Name of Jesus, Amen!

The Pledge of Allegiance was led by Senator Wilborn.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 61**, AN ACT concerning education; relating to the tax credit for low income students scholarship program act; expanding student eligibility for the program;

amending K.S.A. 2020 Supp. 72-4352, 72-4354 and 72-5178 and repealing the existing sections, by Committee on Education.

**SB 62**, AN ACT concerning schools; relating to student vision screenings and the standards therefor; establishing the Kansas children's vision health and school readiness commission; amending K.S.A. 72-6241 and 72-6242 and repealing the existing sections, by Committee on Education.

**SB 63**, AN ACT concerning education; providing ACT college entrance exams and workkeys assessments to nonpublic school students; notification thereof; report to the legislature; amending K.S.A. 2020 Supp. 72-5179 and repealing the existing section, by Committee on Education.

**SB 64**, AN ACT concerning postsecondary education; relating to the regulation of private and out-of-state educational institutions by the state board of regents; certificates of approval; student protections; rules and regulations; amending K.S.A. 74-32,162, 74-32,163, 74-32,164, 74-32,165, 74-32,167, 74-32,168, 74-32,169, 74-32,170, 74-32,171, 74-32,172, 74-32,173, 74-32,175, 74-32,177, 74-32,178, 74-32,181, 74-32,182, 74-32,184, 74-32,194, 74-32,417 and 74-32,419 and repealing the existing sections, by Committee on Education.

**SB 65**, AN ACT concerning economic development; relating to the high performance incentive fund; workforce training program participation requirements; amending K.S.A. 74-50,133 and 79-32,160a and repealing the existing sections, by Committee on Commerce.

**SB 66**, AN ACT concerning economic development; relating to the Kansas angel investor tax credit act; qualified securities; tax credit limitations and amounts; investor requirements; qualified Kansas business designation requirements; bioscience businesses; program expiration date; amending K.S.A. 74-8132, 74-8133 and 74-8136 and repealing the existing sections, by Committee on Commerce.

**SB 67**, AN ACT concerning motor vehicles; relating to all-terrain vehicles and recreational off-highway vehicles; expanding the definitions thereof; amending K.S.A. 2020 Supp. 8-126 and 8-1402a and repealing the existing sections, by Committee on Transportation.

**SB 68**, AN ACT concerning motor vehicles; relating to distinctive license plates; establishing a fee for firefighter license plates; amending K.S.A. 2020 Supp. 8-1,155 and repealing the existing section, by Committee on Transportation.

**SB 69**, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the love, Chloe foundation license plate, by Committee on Transportation.

**SB 70**, AN ACT concerning sales taxation; relating to exemptions from the sales or selling price; making exemption of certain cash rebates on sales or leases or new motor vehicles permanent; excluding discounts and coupons from the sales or selling price; amending K.S.A. 79-3602 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 71**, AN ACT concerning taxation; relating to income and privilege tax; credits; establishing an Eisenhower foundation contribution credit, by Committee on Assessment and Taxation.

**SB 72**, AN ACT concerning property taxation; relating to county appraisers, qualifications and appraisal courses for registered mass appraiser designation; state board of tax appeals, appraisal course requirements; appraisal courses approved by the real estate appraisal board; amending K.S.A. 74-2433 and K.S.A. 2020 Supp. 19-430

and 19-432 and repealing the existing sections, by Committee on Assessment and Taxation.

SENATE CONCURRENT RESOLUTION No. 1603—

By Senator Hilderbrand

A PROPOSITION to amend article 11 of the constitution of the state of Kansas by adding a new section thereto, concerning the state highway fund in the state treasury.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 11 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

"§ 14. **State Highway Fund.** (a) On and after July 1, 2022, moneys shall be appropriated, expended or transferred from the state highway fund that is established and maintained in the state treasury only as follows:

(1) To cities on the state highway system for transportation projects;

(2) for the construction, improvement, reconstruction and maintenance of the state highway system;

(3) for improvements in transportation programs to aid elderly persons, persons with disabilities and the general public;

(4) for any purpose specified pursuant to a comprehensive transportation program;

(5) for the support and maintenance of the department of transportation;

(6) for the expenses of administering the motor vehicle registration and drivers' license laws; and

(7) for the payment of losses to department of transportation employees authorized pursuant to law.

(b) Under no circumstances shall moneys be transferred from the state highway fund or appropriated or expended from the state highway fund for any purpose not provided for in this section.

(c) The legislature may enact laws to carry out the purposes of this section."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*"Explanatory statement.* The purpose of this amendment is to prevent transfers and limit expenditures from the state highway fund to only those items related to transportation set forth in the amendment.

"A vote for this proposition would provide that moneys credited to the state highway fund would only be used for those purposes set

forth in the amendment as prescribed by law.

"A vote against this proposition would make no changes in current law concerning the state's finances."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2022, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

Insurance: **SB 14**.

Upon the authority of the President, the Vice President referred **SB 61** to the Committee on **Education**.

#### **CHANGE OF REFERENCE**

Under the authority of the President, the Vice President withdrew **SB 60** from the Committee on **Insurance**, and referred the bill to the Committee on **Judiciary**.

#### **MESSAGES FROM THE GOVERNOR**

**SB 14** has been signed. (January 25, 2021)

#### **REPORT ON ENROLLED BILLS**

**SB 14** reported correctly enrolled, properly signed and presented to the Governor on January 25, 2021.

On motion of Senator Suellentrop, the Senate adjourned until 2:30 p.m., Tuesday, January 26, 2021.

# Journal of the Senate

ELEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, January 26, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.  
The roll was called with 39 Senators present.  
Senator Estes was excused.  
The Pledge of Allegiance was led by Senator Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 73**, AN ACT concerning the attorney general; relating to corruption committed by a public officer or public employee; requiring the attorney general to carry out certain duties related to inquiry and investigation; requiring the attorney general to request an inquisition or state grand jury under certain circumstances; amending K.S.A. 2020 Supp. 22-3001 and repealing the existing section, by Senator Holland.

**SB 74**, AN ACT concerning the attorney general; relating to sexual abuse committed by a minister of religion; requiring the attorney general to carry out certain duties related to inquiry and investigation; requiring the attorney general to request an inquisition or state grand jury under certain circumstances; amending K.S.A. 2020 Supp. 22-3001 and repealing the existing section, by Senator Holland.

**SB 75**, AN ACT concerning children and minors; relating to reporting of certain abuse and neglect; requiring a duly ordained minister of religion to report certain abuse and neglect; amending K.S.A. 2020 Supp. 38-2223 and repealing the existing section, by Senator Holland.

**SB 76**, AN ACT concerning taxation; relating to income taxation; establishing the golden years homestead property tax freeze act; providing residential property tax refunds, by Senators Holland, Corson, Faust-Goudeau, Haley, Peck, Petersen, Pettey, Pittman and Ware.

**SB 77**, AN ACT concerning health professions and practices; relating to audiologists and speech-language pathologists; licensure; enacting the audiology and speech-language pathology interstate compact, by Committee on Public Health and Welfare.

**SB 78**, AN ACT concerning insurance; relating to the regulation of the business thereof; granting the commissioner the power to subpoena witnesses and order depositions when conducting certain investigations; updating certain definitions relating to service contracts and surplus lines insurance; interest rate calculations relating to nonforfeiture law for individual deferred annuities; application requirements for certification of utilization review organizations; requirements for out-of-state risk retention groups to do business in state; applications for registration of professional employer organizations; repealing the automobile club services act; amending K.S.A.

40-103, 40-22a04, 40-22a06 and 40-4103 and K.S.A. 2020 Supp. 40-201a, 40-246i, 40-4,104, 40-22a05 and 44-1704 and repealing the existing sections; also repealing K.S.A. 40-2405, 40-2501, 40-2502, 40-2503, 40-2504, 40-2505, 40-2506, 40-2507, 40-2508, 40-2509, 40-2510, 40-2511, 40-2512 and 40-2513, by Committee on Insurance.

**SB 79**, AN ACT concerning the state fire marshal; relating to law enforcement powers thereof; fire equipment standards; requiring investigation of fire deaths; amending K.S.A. 31-158 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 80**, AN ACT concerning electric public utilities; relating to the state corporation commission; approval of electric rates, transmission costs; prohibiting transmission delivery charges, exceptions; amending K.S.A. 66-1237 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 81**, AN ACT concerning the state corporation commission; relating to electric public utilities; regional electric rates; report to the legislature; amending K.S.A. 66-117b and repealing the existing section, by Committee on Federal and State Affairs.

**SB 82**, AN ACT concerning insurance; relating to coverage of mental illness and substance use disorders; limiting utilization review under certain circumstances; enacting the Kristi L. Bennett mental health parity act; amending K.S.A. 2020 Supp. 40-2,105 and 40-2,105a and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 83**, AN ACT concerning the state child death review board; relating to confidentiality of records; exceptions; amending K.S.A. 2020 Supp. 22a-243 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 84**, AN ACT concerning gaming; relating to the Kansas expanded lottery act; Kansas lottery and Kansas racing and gaming commission, rules and regulations; authorizing sports wagering; creating the sports wagering receipts fund, executive director of the Kansas lottery; white collar crime fund, governor; amending K.S.A. 46-2301, 74-8702, 74-8710, 74-8711, 74-8716, 74-8718, 74-8733, 74-8734, 74-8751, 74-8752, 74-8757, 74-8758, 74-8760, 74-8772 and 79-4806 and K.S.A. 2020 Supp. 21-6403, 21-6507 and 21-6508 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 85**, AN ACT concerning children and minors; relating to foster care; requiring notification by a foster care case management contractor and the Kansas department for children and families of certain situations involving children, by Committee on Public Health and Welfare.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 70, SB 71, SB 72.**

Commerce: **SB 65, SB 66.**

Education: **SB 62, SB 63, SB 64.**

Transportation: **SB 67, SB 68, SB 69, SCR 1603.**

**MESSAGES FROM THE GOVERNOR**

January 25, 2021

**Message to the Kansas Senate  
Executive Reorganization Order No. 47**

Pursuant to Article 1, Section 6, of the Constitution of the State of Kansas, today I transmit Executive Reorganization Order No. 47 to the Kansas Legislature along with this message to the Senate.

Effective July 1, 2021, this reorganization creates the Kansas Department of Human Services (“KDHS”), which will be responsible for all current programs, responsibilities, functions, and duties of the Department for Children and Families (“DCF”) and the Department for Aging and Disability Services (“KDADS”). Unlike Executive Reorganization Order 44, which was submitted last year, this order does not affect the juvenile services division of the Department of Corrections. DCF and KDADS will be dissolved, but no current responsibilities, duties, or functions will be abolished.

Creating the Department of Human Services ensures Kansas families and individuals have easier access to critical services and improves engagement among our service centers, clients, and local stakeholders by creating a single point of entry for those accessing a variety of critical services. The new KDHS will allow us to focus on prevention, so that we can identify and serve Kansans in need before their situation becomes a crisis that is more costly to both themselves and our communities. Through partnering with communities across the state, KDHS will establish a one-stop-shop for Kansans in need of such services and will ensure that our government delivers those services in the most efficient and effective manner.

I look forward to working with the Senate to improve our ability to serve Kansans in need and to build healthy communities across our State.

Respectfully,  
Governor LAURA KELLY

**EXECUTIVE REORGANIZATION ORDER No. 47****By Governor Laura Kelly**

Section 1. (a) The Kansas department for children and families is hereby renamed the Kansas department of human services. Except as otherwise provided by this order, whenever the department for children and families, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the Kansas department of human services. Except as otherwise provided by this order, whenever the secretary for children and families, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the secretary of human services.

(b) It is intended that the Kansas department of human services and the secretary of human services shall have authority to administer all programs and services which are

currently being administered by the Kansas department for children and families when this order becomes effective, including any programs, services and grants for which the Kansas department for children and families is serving as an operating agency or grants manager for another state agency or federal agency at the time this order becomes effective.

(c) On the effective date of this order, the Kansas department of human services shall succeed to whatever right, title or interest the Kansas department for children and families has acquired in any real property in this state, and the Kansas department of human services shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the Kansas department for children and families or the secretary for children and families to acquire, hold or dispose of real property or any interest therein, the Kansas department of human services shall succeed to such power or authority.

(d) The Kansas department of human services shall succeed to all property, property rights, and records which were used for or pertain to the performance of powers, duties, and functions transferred to it by this order from the department for children and families and the secretary for children and families. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be final.

(e) The secretary of human services may adopt rules and regulations for the government, regulation and operation of programs and services administered by the Kansas department of human services.

Sec. 2. (a) The Kansas department for aging and disability services created by K.S.A. 75-5902 et seq. and Executive Reorganization Order No. 41, is hereby abolished.

(b) Except as otherwise provided by this order, all of the jurisdiction, powers, functions and duties of the Kansas department for aging and disability services and the secretary of the Kansas department for aging and disability services are hereby transferred to and conferred and imposed upon the Kansas department of human services and the secretary of human services.

(c) Except as otherwise provided by this order, the Kansas department of human services and the secretary of human services shall be the successor in every way to the jurisdiction, powers, duties and functions of the Kansas department for aging and disability services and the secretary for aging and disability services in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such jurisdiction, powers, duties and functions by or under the authority of the Kansas department of human services and the secretary of human services shall be deemed to have the same force and effect as if performed by the Kansas department for aging and disability services or the secretary for aging and disability services, respectively, in which such jurisdiction, powers, duties and functions were vested prior to the effective date of this order.

(d) Except as otherwise provided by this order, whenever the department for aging and disability services, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the Kansas department of human services.

(e) Except as otherwise provided by this order, whenever the secretary for aging and disability services, or words of like effect, is referred to or designated by a statute,

contract or other document, such reference or designation shall be deemed to apply to the secretary of human services.

(f) All rules and regulations, policies and procedures of the Kansas department for aging and disability services or the secretary for aging and disability services which relate to the functions transferred by this order and which are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, policies and procedures of the Kansas department of human services or the secretary of human services until revised, amended, revoked, or nullified pursuant to law.

(g) All orders and directives of the Kansas department for aging and disability services or the secretary for aging and disability services in existence on the effective date of this order shall continue to be effective and shall be deemed to be orders and directives of the Kansas department of human services or the secretary of human services until revised, amended or nullified pursuant to law.

(h) On the effective date of this order, the Kansas department of human services shall succeed to whatever right, title or interest the Kansas department for aging and disability services has acquired in any real property in this state, and the Kansas department of human services shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the Kansas department for aging and disability services or the secretary for aging and disability services to acquire, hold or dispose of real property or any interest therein, the Kansas department of human services shall succeed to such power or authority.

(i) The Kansas department of human services and the secretary of human services shall be continuations of the Kansas department for aging and disability services and the secretary for aging and disability services.

(j) The secretary of human services shall determine the manner in which the office of the secretary of aging and disability services is organized within the Kansas department of human services.

(k) The secretary of human services shall determine the manner in which aging, disability and behavioral health programs are organized within the Kansas department of human services.

(l) The secretary of human services shall determine the manner in which programs provided by the institutions, as defined by subsection (b) of K.S.A. 76-12a01, and amendments thereto, are organized within the Kansas department of human services.

(m) The secretary of human services shall determine the manner in which survey, certification and credentialing programs are organized within the Kansas department of human services.

(n) The secretary of human services shall determine the manner in which financial and information services programs are organized within the Kansas department of human services.

Sec. 3. (a) The secretary of human services shall appoint such officers and employees as may be needed to carry out the powers and duties which the secretary assigns to the office of the secretary, aging, disability and behavioral health functions, institution functions, survey, certification and credentialing functions, and office of the financial and information services commission of the Kansas department of human services.

(b) All officers and employees in the Kansas department for aging and disability

services who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties, and functions transferred by this order, are hereby transferred to the Kansas department of human services unless the secretary of human services determines that some officers or employees are not performing necessary services. All classified employees so transferred shall retain their status as classified employees. Thereafter, the secretary of human services may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.

(c) Officers and employees in the Kansas department for aging and disability services transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs, or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder.

(d) The Memorandum of Agreement between the State of Kansas and the Kansas Organization of State Employees that is in existence on the effective date of this order shall continue to be effective until revised, amended or nullified pursuant to the terms of the Memorandum of Agreement.

Sec. 4. (a) The aging and disability community services and programs commission and the behavioral health services commission of the Kansas department for aging and disability services is hereby transferred to the Kansas department of human services and shall be a part thereof. The aging and disability community and services programs commission and the behavioral health services commission transferred to the Kansas department of human services by this order shall be administered by the secretary of human services.

(b) The secretary of human services shall determine the manner in which programs and services provided by the aging and disability community services and programs commission and the behavioral health services commission shall be organized within the Kansas department of human services.

(c) The programs transferred from the aging and disability community services and programs commission and the behavioral services commission of the Kansas department for aging and disability services are:

- (1) Mental health and substance abuse;
- (2) serious emotionally disturbed, intellectual and developmental disability, physical disability, brain injury, autism, technology assistance, and frail and elderly Medicaid waivers and programs;
- (3) licensure and regulation of community mental health centers, as defined by K.S.A. 39-2002, and amendments thereto;
- (4) regulation of community developmental disability organizations, as defined by K.S.A. 39-1801 et seq., and amendments thereto;
- (5) licensure of private psychiatric hospitals, as defined by K.S.A. 39-2001 et seq., and amendments thereto;
- (6) licensure of psychiatric residential treatment facilities under subsection (c) of K.S.A. 65-503, and amendments thereto, and subsection (k) of K.A.R. 28-4-1200 on the effective date of this order, and subsection (g)(3) of K.S.A. 72-1173, and amendments thereto;

(7) licensure and regulation of facilities and providers of residential and day supports services, as defined by K.S.A. 39-2001 et seq., and amendments thereto;

(8) licensure and regulation of residential care facilities, as defined by K.S.A. 39-2001 et seq., and amendments thereto;

(9) licensure and regulation of crisis intervention centers, as defined by K.S.A. 39-2001 et seq., and amendments thereto;

(10) licensure and regulation of providers of addiction and prevention services, as defined by K.S.A. 75-5375, et. seq; and;

(11) licensure and regulation of providers of services and administration of grants for the older Americans act (OAA), senior care act (SCA), and Medicare programs including the senior health insurance counseling for Kansas (SHICK), the senior Medicare patrol (SMP), and the Medicare improvements for patients and providers act (MIPPA), the client assessment, referral and evaluation program (CARE), the respite for caregivers program, and the program of all-inclusive care for the elderly (PACE);

(12) any other programs and related grants administered by the aging and disability community services and programs commission and the behavioral health services commission of the Kansas department for aging and disability services prior to the effective date of this order.

(d) Except as otherwise provided by this order, all powers, duties, and functions of the secretary for aging and disability services pertaining to the aging and disability community services and programs commission and the behavioral health services commission transferred by this order, including that agency's designation as the Medicaid single state authority for substance abuse and for mental health, are hereby transferred to and imposed upon the secretary of human services.

(e) The Kansas department of human services shall be the successor in every way to the powers, duties, and functions of the Kansas department for aging and disability services pertaining to the aging and disability community services and supports commission and the behavioral health services commission transferred by this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the Kansas department of human services shall be deemed to have the same force and effect as if performed by the Kansas department for aging and disability services in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 5. (a) The state hospitals commission of the Kansas department for aging and disability services is hereby transferred to the Kansas department of human services and shall be a part thereof. All institutions, as defined by subsection

(b) of K.S.A. 76-12a01, and amendments thereto, and the programs operated by such institutions are hereby transferred from the Kansas department for aging and disability services to the Kansas department of human services. All such institutions shall be administered by the secretary of human services. (b) Except as otherwise provided by this order, all powers, duties, and functions of the secretary for aging and disability services pertaining to the programs and operation of the institutions, as defined by subsection (b) of K.S.A. 76-12a01, and amendments thereto, are hereby transferred to and imposed upon the secretary of human services.

(c) The secretary of human services shall determine the manner in which programs and services provided by the state hospitals commission and institutions shall be organized within the Kansas department of human services.

(d) The Kansas department of human services shall be the successor in every way to the powers, duties, and functions of the Kansas department for aging and disability services pertaining to the programs and operation of the state hospital commission and the institutions that are transferred by this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the Kansas department of human services shall be deemed to have the same force and effect as if performed by the Kansas department for aging and disability services in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 6. (a) The survey, certification and credentialing commission of the Kansas department for aging and disability services is hereby transferred to the Kansas department of human services and shall be a part thereof. The survey, certification and credentialing commission transferred to the Kansas department of human services by this order shall be administered by the secretary of human services.

(b) The secretary of human services shall determine the manner in which programs and services provided by the survey, certification and credentialing commission shall be organized within the Kansas department of human services. (c) The programs to be transferred by this commission are the Kansas act on credentialing, K.S.A. 65-5001 through 65-5011, and amendments thereto, including the following programs:

- (1) Licensure of adult care home administrators, as defined by subsection (c) of K.S.A. 65-3501, and amendments thereto;
- (2) licensure of dietitians, as defined by subsection (f) of K.S.A. 65-5902, and amendments thereto;
- (3) certification of residential care facility operators, as defined by subsection (a)(21) of K.S.A. 39-923, and amendments thereto;
- (4) certification of activity directors, as defined by subsection (a) of K.A.R. 26-39-100 on the effective date of this order;
- (5) certification of social service designees, as defined by subsection (sss) of K.A.R. 26-39-100 on the effective date of this order;
- (6) certification of nurse aides, as defined by subsection (qq) of K.A.R. 26-39-100 on the effective date of this order;
- (7) certification of medication aides as defined by subsection (nn) of K.A.R. 26-39-100 on the effective date of this order;
- (8) certification of home health aides as defined by subsection (e) of K.S.A. 65-5101, and amendments thereto; and
- (9) maintenance of the Kansas nurse aide registry under subsection (c) of K.S.A. 39-936, and amendments thereto, and K.S.A. 39-1411, and amendments thereto;
- (10) survey and licensure of adult care home facilities under the adult care home licensure act under K.S.A. 39-923 et seq., and amendments thereto.

(d) The criminal history record check program, as authorized by individual credentialing statutes or rules and regulations, K.S.A. 39-969, and amendments thereto, K.S.A. 39-970, and amendments thereto, K.S.A. 39-2009, and amendments thereto, and subsection (b) of K.S.A. 22-4707, and amendments thereto, is hereby transferred from the Kansas department of aging and disability services to the Kansas department of human services and shall be a part thereof.

(e) The licensure of adult care home administrators, the licensure of dietitians, the certification of residential care facility operators, the certification of activity directors, the certification of social service designees, the certification of nurse aides, the certification of medication aides, the certification of home health aides, the board of

adult care home administrators, the maintenance of the Kansas nurse aide registry, the survey and licensure of adult care home facilities, and the criminal history record check program shall be administered by the secretary of human services. Nothing in this order shall change or diminish the authority of the board of adult care home administrators established by K.S.A. 65-3506, and amendments thereto.

(f) Except as otherwise provided by this order, all powers, duties, and functions of the secretary of aging and disability services pertaining to the licensure of adult care home administrators, the licensure of dietitians, the certification of residential care facility operators, the certification of activity directors, the certification of social service designees, the certification of nurse aides, the certification of medication aides, the certification of home health aides, the board of adult care home administrators, the Kansas nurse aide registry, the survey and licensure of adult care home facilities, and the criminal record check program transferred by this order are hereby transferred to and imposed upon the secretary of human services.

(g) The Kansas department of human services shall be the successor in every way to the powers, duties, and functions of the Kansas department of aging and disability services pertaining to those portions of the survey, certification and credentialing program transferred by this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the Kansas department of human services shall be deemed to have the same force and effect as if performed by the Kansas department of aging and disability services in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 7. (a) The financial and information services commission of the Kansas department for aging and disability services, including agency-specific information technology and financial oversight programs and services, is hereby transferred to the Kansas department of human services and shall be a part thereof. The financial and information services commission transferred to the Kansas department of human services by this order shall be administered by the secretary of human services.

(b) The secretary of human services shall determine the manner in which programs and services provided by the financial and information services commission shall be organized within the Kansas department of human services.

(c) Except as otherwise provided by this order, all powers, duties, and functions of the secretary of aging and disability services pertaining to the programs and services administered by the financial and information services commission transferred by this order are hereby transferred to and imposed upon the secretary of human services.

(d) The Kansas department human services shall be the successor in every way to the powers, duties, and functions of the Kansas department of aging and disability services pertaining to those portions of the financial and information services programs transferred by this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the Kansas department of human services shall be deemed to have the same force and effect as if performed by the Kansas department of aging and disability services in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 8. (a) The powers, duties, and functions of the Kansas department for aging and disability services and the secretary for aging and disability services pertaining to any and all receiverships of adult care homes filed pursuant to K.S.A. 39-954 et seq., amendments thereto, is hereby transferred to the Kansas department of human services

and shall be a part thereof. The powers, duties, and functions of the receiver transferred to the Kansas department of human services by this order shall be administered by the secretary of human services.

(b) The secretary of human services shall determine the manner in which the receivership program administered under K.S.A. 39-954 et seq., and amendments thereto, shall be organized within the Kansas department of human services.

(c) The Kansas department of human services and the secretary of human services shall be the successor in every way to the receiver's powers, duties, and functions of the Kansas department for aging and disability services and the secretary for aging and disability services pertaining to any and all receiverships of adult care homes filed pursuant to K.S.A. 39-954 et seq., and amendments thereto, pending on the effective date of this order.

(d) Whenever the Kansas department for aging and disability services, the secretary for aging and disability services, or words of like effect, is referred to or designated by a statute, contract, order or other document and such reference is in regard to any of the powers, duties, or functions of the receiver under K.S.A. 39-954 et seq., and amendments thereto, transferred to the Kansas department of human services from the Kansas department for aging and disability services by this order, such reference or designation shall be deemed to apply to the Kansas department of human services or the secretary of human services.

(e) All rules and regulations, orders, and directives of the Kansas department for aging and disability services and the secretary for aging and disability services, or words of like effect, which relate to the powers, duties and functions of the receiver under K.S.A. 39-954 et seq., and amendments thereto, on the effective date of this order, shall be effective and shall be deemed to be rules and regulations, orders, and directives of the Kansas department of human services and the secretary of human services until revised, amended, revoked, or nullified pursuant to law.

Sec. 9. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the Kansas department for aging and disability services relating to the powers, duties, and functions transferred by this order are hereby transferred within the state treasury to the Kansas department of human services and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the Kansas department of human services under this order shall be assumed and paid by the Kansas department of human services.

(c) Subject to the acts of the legislature, all fees, grant funds, and loan repayment funds of the Kansas department for aging and disability services dedicated to programs transferred by this order shall be transferred to the Kansas department of human services.

Sec. 10. (a) The Kansas department of human services shall succeed to all property, property rights, and records which were used for or pertain to the performance of powers, duties, and functions transferred to it by this order from the department of aging and disability services and the secretary of aging and disability services. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be final.

(b) When any conflict arises as to any power, duty, or function transferred from the department of aging and disability services and the secretary of aging and disability

services resulting from any transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

Sec. 11. (a) Except as otherwise provided by this order, whenever the department of social and rehabilitation services, which was the predecessor to the department for children and families under Executive Reorganization No. 41, or words of like effect, is referred to or designated by any statute, rule and regulation, contract, internal policy or procedure, order or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the Kansas department of human services. Except as otherwise provided by this order, whenever the secretary of social and rehabilitation services, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, internal policy or procedure, order or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the secretary of human services.

(b) On the effective date of this order, the Kansas department of human services shall succeed to whatever right, title or interest the department of social and rehabilitation services has acquired in any real property in this state, and the Kansas department of human services shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the department of social and rehabilitation services to acquire, hold or dispose of real property or any interest therein, the Kansas department of human services shall succeed to such power or authority.

Sec. 12. (a) Except as otherwise provided by this order, whenever the department aging, which was the predecessor to the department for aging and disability services under Executive Reorganization No. 41, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, internal policy or procedure, order or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the Kansas department of human services. Except as otherwise provided by this order, whenever the secretary of aging, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, internal policy or procedure, order or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the secretary of human services.

(b) On the effective date of this order, the Kansas department of human services shall succeed to whatever right, title or interest the department on aging has acquired in any real property in this state, and the Kansas department of human services shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the department on aging to acquire, hold or dispose of real property or any interest therein, the Kansas department of human services shall succeed to such power or authority.

Sec. 13. The Kansas department of human services and the secretary of human services shall have authority to administer all programs and services previously administered by the Kansas department for social and rehabilitation services, the

Kansas department on aging, and the Kansas department for aging and disability services regardless of whether such programs and services are specifically mentioned in this order as being transferred to the Kansas department of human services. For purposes of this order, all programs and services intended to be transferred to the Kansas department of human services is intended to include all programs and services for which the Kansas department for aging and disability services or the secretary for aging and disability services provides administration services, serves as the operating agency or serves as the manager of grant funds pursuant to an existing delegation of authority or memorandum of understanding between a predecessor of the Kansas department of human services and another state or federal agency on the effective date of this order.

Sec. 14. The secretary of human services may adopt rules and regulations for the government, regulation and operation of and all programs and services previously administered by the Kansas department for children and families, the Kansas department of social and rehabilitation services, the Kansas department for aging and disability services and the Kansas department on aging.

Sec. 15. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action, or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced, or which could have been commenced, by the state shall abate by the taking effect of this order.

Sec. 16. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2021, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT the Capitol in Topeka  
Under the Great Seal of the  
State of Kansas  
this 25th day of January 2021.

BY THE GOVERNOR:  
LAURA KELLY

SCOTT SCHWAB  
Secretary of State of Kansas

CATHERINE GUNSALUS  
Assistant Secretary of State of Kansas

**Message to the Kansas Senate  
Executive Reorganization Order No. 48**

Pursuant to Article 1, Section 6, of the Constitution of the State of Kansas, today I transmit Executive Reorganization Order No. 48 to the Kansas Legislature along with this message to the Senate.

Effective July 1, 2021, this reorganization moves the Division of Tourism out of the Kansas Department of Wildlife, Parks, and Tourism and relocates the Division of Tourism in the Kansas Department of Commerce. This move will more closely align our state's efforts to increase tourism with the economic development efforts of the Department of Commerce. None of the Division of Tourism's current responsibilities, duties, or functions will be abolished.

This reorganization is the product of consultation and discussion with businesses, destination marketing organizations, and other key industry partners, including the Travel Industry Association of Kansas, the Kansas Restaurant & Hospitality Association, and the Kansas Economic Development Alliance. The move will send a clear message to our industry partners and prospective companies that Kansas will use every tool at its disposal to spur new economic development.

Kansas is not just a great place to live and work, it's a great place to visit. I look forward to working with the Senate to build on our efforts to support and increase tourism as we help our economy recover.

Respectfully,

GOVERNOR LAURA KELLY

**EXECUTIVE REORGANIZATION ORDER No. 48**

Section 1. (a) There is hereby established, within the department of commerce the division of tourism. The head of the division of tourism shall be the director of tourism, who shall be appointed by and serve at the pleasure of the secretary of commerce. The director of tourism shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of commerce.

(b) (1) The director of tourism shall appoint, in accordance with the provisions of the Kansas civil service act, such employees as may be needed, in the judgment of the director, to carry out the powers and duties of the division of tourism.

(2) All officers and employees of the division of tourism shall act for and exercise the powers of the director of tourism to the extent that authority to do so is delegated by the director. Subject to the provisions of this order, the director of tourism may organize the division of tourism in the manner the director of tourism deems most efficient.

Section 2. (a) The division of tourism of the Kansas department of wildlife, parks and tourism and the office of the director of tourism of the Kansas department of wildlife, parks and tourism that were created by K.S.A. 32-812 and 32-1402, and amendments thereto, are hereby abolished.

(b) Except as otherwise provided by this order, all powers, duties and functions of the division of tourism and the director of tourism under K.S.A. 32-812, et seq. and K.S.A. 32-1401 through 32-1438 and amendments thereto, are hereby transferred to and imposed upon the division of tourism and the director of tourism of the department of commerce.

(c) The Kansas department of wildlife, parks and tourism as established by K.S.A. 32-801 et seq. is hereby renamed the Kansas department of wildlife and parks and the secretary of wildlife, parks and tourism is renamed the secretary of wildlife and parks.

(d) Except as otherwise provided by this order, the Kansas department of wildlife and parks and the secretary of wildlife and parks shall be the successor in every way to the powers, duties and functions of the Kansas department of wildlife, parks and tourism and the secretary of wildlife, parks and tourism in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the Kansas department of wildlife and parks or the secretary of wildlife and parks shall be deemed to have the same force and effect as if performed by the Kansas department of wildlife, parks and tourism or the secretary of wildlife, parks and tourism in which such powers, duties and functions were vested prior to the effective date of this order.

(e) Except as otherwise provided by this order, whenever the Kansas department of wildlife, parks and tourism, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the Kansas department of wildlife, parks and tourism, such reference or designation shall be deemed to apply to the Kansas department of wildlife and parks .

(f) Except as otherwise provided by this order, whenever the secretary of wildlife, parks and tourism, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the secretary of wildlife, parks and tourism, such reference or designation shall be deemed to apply to the secretary of wildlife and parks.

(g) Except as otherwise provided by this order, all rules and regulations, orders and directives of the secretary of wildlife, parks and tourism that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of wildlife and parks until revised, amended, revoked or nullified pursuant to law.

(h) The secretary of wildlife and parks shall appoint an assistant secretary for operations. The assistant secretary for operations shall serve at the pleasure of the secretary of wildlife and parks. The assistant secretary for operations shall be in the unclassified service under the Kansas civil service act and shall receive and annual salary fixed by the secretary of wildlife and parks. The assistant secretary for operations shall have such powers, duties and functions as are assigned to them by the secretary or are prescribed by law. The assistant secretary for operations shall act for and exercise the powers of the secretary of wildlife and parks to the extent authority to do so is delegated by the secretary of wildlife and parks.

(i) The positions of assistant secretary for parks and tourism and assistant secretary of wildlife, fisheries and boating as established by K.S.A. 32-802 are hereby abolished.

Section 3. (a) Except as otherwise provided by this order, the division of tourism and the director of tourism of the Kansas department of commerce shall be the successor in every way to the powers, duties and functions of the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism in which the same were vested prior to the effective date of this order and that are transferred pursuant to section 2 of this order. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the division of tourism and the director

of tourism of the department of commerce shall be deemed to have the same force and effect as if performed by the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism in which such powers, duties and functions were vested prior to the effective date of this order.

(b) Except as otherwise provided by this order, whenever the division of tourism of the Kansas department of wildlife, parks and tourism, or words of like effect, is referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the division of tourism of the department of wildlife, parks and tourism, such reference or designation shall be deemed to apply to the division of tourism of the Kansas department of commerce.

(c) Except as otherwise provided by this order, whenever the director of tourism of the Kansas department of wildlife, parks and tourism, or words of like effect, are referred to or designated by a statute, contract, or other document, and such reference or designation is in regard to any function, power or duty of the director of tourism of the department of wildlife, parks and tourism, such reference or designation shall be deemed to apply to the director of tourism of the department of commerce.

(d) All rules and regulations, orders and directives of the secretary of wildlife, parks and tourism, that are in effect on the effective date of this order and that relate to any function, power or duty of the director of tourism of the Kansas department of wildlife, parks and tourism, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of commerce until revised, amended, revoked or nullified pursuant to law. All orders and directives of the division of tourism or the director of tourism of the Kansas department of wildlife, parks and tourism, that are in effect on the effective date of this order and that relate to any function, power or duty of the division of tourism or the director of tourism of the department of wildlife, parks and tourism, shall continue to be effective and shall be deemed to be orders and directives of the division of tourism or the director of tourism of the department of commerce until revised, amended, revoked or nullified pursuant to law.

Section 4. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the Kansas department of wildlife, parks and tourism relating to the power, duties and functions transferred by this order are hereby transferred within the state treasury to the department of commerce and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the division of tourism of the department of commerce under this order shall be assumed and paid by the department of commerce.

Section 5. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The department of commerce shall succeed to all property, property rights and records that were used for or pertain to the performance of powers, duties and functions transferred to the division of tourism of the department of commerce. Any conflict as to the proper disposition of property, personnel or records arising under this order shall be determined by the governor, whose decision shall be final.

Section 6. (a) No suit, action or other proceeding, judicial or administrative, lawfully

commenced, or that could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or that could have been commenced by the state shall abate by the taking effect of this order.

Section 7. (a) All officers and employees of the Kansas department of wildlife, parks and tourism who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions transferred by this order, as well as all officers and employees of the Kansas department of wildlife, parks and tourism who are determined by the secretary of commerce to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the division of tourism of the department of commerce. All classified officers and employees so transferred shall retain their status as classified employees.

(b) Officers and employees of the Kansas department of wildlife, parks and tourism transferred by this order shall retain all retirement benefits and leave balances and rights that had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the Kansas department of wildlife, parks and tourism prior to the date of transfer.

(c) Notwithstanding the effective date of this order, the provisions of this order prescribing the transfer of officers and employees from the Kansas department of wildlife, parks and tourism to the division of tourism of the department of commerce established by this order, the date of transfer of each such officer or employee shall commence at the start of a payroll period.

Section 8. (a) Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2021, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of the state of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT the Capitol in Topeka  
Under the Great Seal of the  
State of Kansas  
this 25th day of January 2021.

BY THE GOVERNOR:  
LAURA KELLY

SCOTT SCHWAB  
Secretary of State of Kansas

CATHERINE GUNSALUS  
Assistant Secretary of State of Kansas

**COMMUNICATIONS FROM STATE OFFICERS**

The following reports were submitted to the Senate and are on file with the Secretary of the Senate:

- Kansas State Employees Health Care Commission Annual Report (Plan year 2020)
- Kansas Board of Regents Annual Report on Exceptions to the Minimum Admission Standards at State Universities (January 2021)
- Kansas Water Office Water Authority Annual report (2021)

**REPORTS OF STANDING COMMITTEES**

Committee on **Assessment and Taxation** recommends **SB 21**, **SB 47** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **SB 33** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Suellentrop, the Senate adjourned Pro Forma until 2:30 p.m., Wednesday, January 27, 2021.

# Journal of the Senate

TWELFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, January 27, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 86**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and retirement systems thereunder; conforming certain KPERS provisions with the federal CARES act; amending K.S.A. 74-49,123 and repealing the existing section, by Joint Committee on Pensions, Investments and Benefits.

**SB 87**, AN ACT concerning sales taxation; relating to countywide retailers' sales tax; discontinuing apportionment of revenue received for general purposes between the county and cities located therein; amending K.S.A. 2020 Supp. 12-192 and repealing the existing section, by Committee on Assessment and Taxation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 76**.

Commerce: **ERO 48**.

Federal and State Affairs: **SB 79, SB 84**.

Insurance: **SB 82**.

Judiciary: **SB 73, SB 74, SB 75, SB 78**.

Public Health and Welfare: **SB 77, SB 83, SB 85; ERO 47**.

Utilities: **SB 80, SB 81**.

## MESSAGES FROM THE GOVERNOR

January 13, 2021

*To the Senate of the State of Kansas*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Laura Kelly  
*Governor*

*Labor Representative, Kansas Human Rights Commission*, Michael Kane, Kansas City, (D) pursuant to the authority vested in me by K.S.A. 44-1003, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed himself.

*Public Member, KU Hospital Authority*, David Dillon, Mission Hills, (R), pursuant to the authority vested in me by K.S.A. 76-3304, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed himself.

*Chief Hearings Officer, Kansas Board of Tax Appeals*; Thomas P. Browne, Jr., Topeka, (D), pursuant to the authority vested in me by K.S.A. 74-2433 and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed himself.

On motion of Senator Hilderbrand, the Senate adjourned until 2:30 p.m., Thursday, January 28, 2021.

# Journal of the Senate

## THIRTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, January 28, 2021, 2:30 p.m.

The Senate was called to order by President Ty Masterson.  
The roll was called with 39 senators present.  
Senator Estes was excused.

Invocation by Reverend Cecil T. Washington:

Finding Protection Under God's Wings!

Psalm 91:1-16, 1 Corinthians 13

Heavenly Father, again we thank You for Your grace; for bestowing upon us blessings that we'd be hard pressed to say we deserve. And thanks for Your kindness in those times when You protect us from some of the stuff that we do deserve. In holding on to Your words, in Psalm 91, it's comforting to know, that because of Your loving kindness we don't have to fear the things that would bring us to ruin.

Like a mother hen, protecting her baby chicks, You cover us under Your wings. and we find refuge. Thank You Lord, for not leaving us subjected to the shortcomings of our own frail defenses. Like little baby chicks, becoming reflections of their mother, You've created us to become images of You, standing for right and righteousness. Yet, we're in a world that is challenging; a world that wants to rename right as wrong, and wrong as right.

Lord, let the decisions coming from these halls, that are to bless Your people, be reflections of love and compassion, not as redefined by us, but as well defined by the "Love Chapter" in Your Holy Word, 1 Corinthians 13.

In Psalm 91:14-16, You say that if we acknowledge Who You are, calling on You and clinging to You, that You will answer, deliver, honor and satisfy.

As we place our trust in You, bless us with long life, and show us Your salvation. In the precious name of our Lord and Savior, I cry Amen!

The Pledge of Allegiance was led by President Ty Masterson.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 88**, AN ACT concerning cities; relating to the vacation or exclusion of territory or easements; providing procedure to challenge certain decisions of a city; amending K.S.A. 12-504 and 12-505 and repealing the existing sections, by Committee on Local Government.

**SB 89**, AN ACT concerning traffic regulations; relating to size and weight laws; exempting the transport of agricultural forage commodities from the secured loads statute; amending K.S.A. 8-1906 and repealing the existing section, by Committee on Agriculture and Natural Resources.

**SB 90**, AN ACT concerning the Kansas rural housing incentive district act; permitting the use of bond proceeds for vertical renovations of certain buildings for residential purposes; amending K.S.A. 12-5249 and repealing the existing section, by Committee on Commerce.

**SB 91**, AN ACT concerning economic development; relating to the high performance incentive fund; providing for the transferability of tax credits; amending K.S.A. 79-32,160a and repealing the existing section, by Committee on Commerce.

**SB 92**, AN ACT concerning health and healthcare; enacting the Kansas equal access act; relating to medical cannabis; providing for the licensure and regulation of the manufacture, transportation and sale of medical cannabis; amending K.S.A. 44-1009, 44-1015, 79-5201 and 79-5210 and K.S.A. 2020 Supp. 8-1567, 21-5703, 21-5705, 21-5706, 21-5707, 21-5709, 21-5710, 21-6109, 23-3201, 38-2269, 44-501, 44-706 and 65-1120 and repealing the existing sections, by Committee on Commerce.

**SB 93**, AN ACT concerning school districts; relating to the allocation of school district moneys for improvement of student academic performance; amending K.S.A. 72-1163 and repealing the existing section, by Committee on Education.

**SB 94**, AN ACT concerning elections; relating to voting systems and procedures; amending K.S.A. 25-1122a, 25-1138 and 25-3006 and K.S.A. 2020 Supp. 25-2810, 25-4401, 25-4404, 25-4406, 25-4412, 25-4603, 25-4611 and 25-4613 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 95**, AN ACT concerning motor vehicles; relating to odometer requirements upon transfer of vehicle; exempting certain odometer certification requirements; amending K.S.A. 2020 Supp. 8-135 and repealing the existing section, by Committee on Transportation.

**SB 96**, AN ACT concerning postsecondary education; relating to residency for purposes of tuition and fees; repealing the provision of residency status for individuals not lawfully present in the United States; amending K.S.A. 76-729 and repealing the existing section; also repealing K.S.A. 76-731a, by Senator Peck.

**SB 97**, AN ACT concerning cemetery corporations; defining purposes of sepulture; amending K.S.A. 17-1310 and K.S.A. 2020 Supp. 17-1301c and repealing the existing sections, by Committee on Local Government.

**SB 98**, AN ACT concerning property taxation; relating to the state board of tax appeals; judicial review, burden of proof in district court; appointments, extending the time a board member may continue to serve after member's term expires; amending K.S.A. 74-2426 and 74-2433 and repealing the existing sections, by Committee on Assessment and Taxation.

**SB 99**, AN ACT concerning the vehicle dealers and manufacturers licensing act; relating to vehicle dealer licensing; increasing the bonding requirement for vehicle dealers; amending K.S.A. 2020 Supp. 8-2404 and repealing the existing section, by Committee on Transportation.

**SB 100**, AN ACT concerning drivers' licenses; relating to certain restrictions; exclusion from the additional 90-day period for suspended or revoked licenses; eligibility for restricted driving privileges; removing and delaying payment for fees that apply to individuals for failure to comply with a traffic citation; amending K.S.A. 2020 Supp. 8-262 and 8-2110 and repealing the existing sections; also repealing K.S.A. 2020 Supp. 8-2110b, by Committee on Transportation.

**SB 101**, AN ACT concerning electric-assisted bicycles; relating to the regulation and

approved use thereof; providing for use of certain sizes of motors; amending K.S.A. 8-1437, 8-1439a, 8-1489 and 8-1592b and K.S.A. 2020 Supp. 8-126, 8-128, 8-1402a, 8-1438, 8-1498, 8-2401 and 32-701 and repealing the existing sections, by Committee on Transportation.

**SB 102**, AN ACT concerning the Kansas sexually violent predator act; relating to notice of release of a person who may be a sexually violent predator to the attorney general and multidisciplinary team; time; detention during proceedings; amending K.S.A. 2020 Supp. 59-29a02, 59-29a03 and 59-29a05 and repealing the existing sections, by Committee on Judiciary.

**SB 103**, AN ACT concerning the Kansas power of attorney act; relating to the effectiveness of a power of attorney; exemption of third persons from liability in certain circumstances; amending K.S.A. 58-658 and K.S.A. 2020 Supp. 58-652 and repealing the existing sections, by Committee on Judiciary.

**SB 104**, AN ACT concerning children and minors; relating to the revised Kansas code for care of children; requiring court orders to remain in a present or future placement; amending K.S.A. 2020 Supp. 38-2260 and repealing the existing section, by Committee on Judiciary.

**SB 105**, AN ACT concerning expungement; relating to expungement under the Kansas code of procedure for municipal courts; expungement under the Kansas criminal code; prohibiting denial of a petition for expungement due to the petitioner's inability to pay outstanding costs, fees, fines or restitution; amending K.S.A. 2020 Supp. 12-4516 and 21-6614 and repealing the existing sections, by Committee on Judiciary.

**SB 106**, AN ACT enacting the revised uniform law on notarial acts; repealing the uniform law on notarial acts; amending K.S.A. 16-1611, 58-2209 and 58-2211 and K.S.A. 2020 Supp. 25-3602, 25-3902, 25-3902a, 25-3904, 25-3904a, 49-512, 58-652 and 58-4403 and repealing the existing sections; also repealing K.S.A. 53-101, 53-102, 53-103, 53-104, 53-105, 53-105a, 53-106, 53-107, 53-109, 53-113, 53-114, 53-115, 53-116, 53-117, 53-119, 53-120, 53-501, 53-502, 53-503, 53-504, 53-505, 53-506, 53-507, 53-508, 53-510 and 53-511 and K.S.A. 2020 Supp. 53-118, 53-121 and 53-509, by Committee on Judiciary.

**SB 107**, AN ACT enacting the uniform fiduciary income and principal act; repealing the uniform principal and income act (1997); amending K.S.A. 2020 Supp. 58a-103 and repealing the existing section; also repealing K.S.A. 58-9-101, 58-9-102, 58-9-103, 58-9-104, 58-9-201, 58-9-202, 58-9-301, 58-9-302, 58-9-303, 58-9-401, 58-9-402, 58-9-403, 58-9-404, 58-9-405, 58-9-406, 58-9-407, 58-9-408, 58-9-410, 58-9-411, 58-9-412, 58-9-413, 58-9-414, 58-9-415, 58-9-501, 58-9-502, 58-9-503, 58-9-504, 58-9-506, 58-9-601, 58-9-602 and 58-9-603 and K.S.A. 2020 Supp. 58-9-105, 58-9-106, 58-9-409, 58-9-505 and 58-9-606, by Committee on Judiciary.

**SB 108**, AN ACT concerning veterans; relating to the veterans benefit lottery game; disposition of net profits; directing certain disbursements from the lottery operating fund; establishing the veterans benefit lottery game fund; amending K.S.A. 74-8711 and 74-8724 and repealing the existing sections, by Senator Pittman.

**SB 109**, AN ACT concerning veterans; relating to the Kansas commission on veterans affairs office; requiring the director to submit an initial application for a state veterans home construction grant to the United States department of veterans affairs, by Senator Pittman.

**SB 110**, AN ACT concerning the issuance of certain bonds; relating to the

construction of a state veterans home; providing for the powers, duties and functions of the Kansas development finance authority and the department of administration, by Senator Pittman.

**SB 111**, AN ACT concerning income taxation; relating to deductions; providing a Kansas itemized deduction for wagering losses; amending K.S.A. 79-32,120 and repealing the existing section, by Senator Pittman.

**SB 112**, AN ACT concerning sales taxation; relating to exemptions, farm products sold at farmers' markets; amending K.S.A. 79-3606 and repealing the existing section, by Senator Pittman.

**SB 113**, AN ACT concerning the regulation of traffic; relating to distracted driving violation; prohibiting the use of a wireless telecommunications device while operating a motor vehicle; amending K.S.A. 2020 Supp. 8-2118 and repealing the existing section; also repealing K.S.A. 2020 Supp. 8-15,111, by Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION No. 1604—

By Committee on Judiciary

A PROPOSITION to amend section 5 of article 1 of the constitution of the state of Kansas, allowing for a petition process to call the legislature into special session during a state of disaster emergency.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 5 of article 1 of the constitution of the state of Kansas is hereby amended to read as follows:

**"§ 5. Governor's duties for legislature; messages; special sessions; adjournment.** The governor may, on extraordinary occasions, call the legislature into special session by proclamation; and shall call the legislature into special session, upon petition signed by at least two-thirds of the members elected to each house *or, during a state of disaster emergency as provided by law, upon petition signed by at least 5,000 qualified voters of the state. For a petition submitted by voters during a state of disaster emergency, petitioners shall file the signed petition with the secretary of state, who shall have seven days to determine if the petition contains the requisite number of valid signatures and to notify the governor of such determination.* At every session of the legislature the governor shall communicate in writing information in reference to the condition of the state, and recommend such measures as ~~he~~ *the governor* deems expedient. In case of disagreement between the two houses in respect of the time of adjournment, the governor may adjourn the legislature to such time as ~~he~~ *the governor* deems proper, not beyond its next regular session."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*"Explanatory statement.* The purpose of this amendment is to allow the voters of the state to require the governor to call the legislature into special

session during a state of disaster emergency through a petition process.

"A vote for this proposition would amend the Kansas constitution to provide the voters of the state the ability to require the governor to call the legislature into special session during a state of disaster emergency by submitting a petition signed by at least 5,000 qualified voters to the secretary of state. Currently, a special session of the legislature may only be called by the governor on extraordinary occasions or upon petition signed by at least two-thirds of the members elected to each house.

"A vote against this proposition would not amend the constitution, in which case the voters would not have the ability to require the governor to call the legislature into special session."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at a special election, which is hereby called on November 2, 2021, pursuant to section 1 of article 14 of the constitution of the state of Kansas, to be held in conjunction with any general election as provided by law to be held on such date.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 87**.

Financial Institutions: **SB 86**.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator McGinn the following report was adopted:

**HCR 5003** be adopted.

A motion by Senator Pettey to amend **SB 5003** failed and the following amendment was rejected: on page 1, in line 22, by striking all after "abortion"; in line 23, by striking all before the period; also in line 23, after the period by inserting "The constitution of the state of Kansas does not secure a right to abortion, except for those cases where a mother's life is in jeopardy and for victims of rape or incest."

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

On roll call, the vote was: Yeas 11; Nays 27; Present and Passing 0; Absent or Not Voting 2.

Yeas: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Nays: Alley, Baumgardner, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Absent or Not Voting: Billinger, Estes.

The amendment was rejected.

A motion by Senator Doll to amend **SB 5003** failed and the following amendment was rejected: on page 2, in line 21, by striking "August 2, 2022" and inserting "November 2, 2021"; in line 22, by striking "primary" and inserting "general".

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

On roll call, the vote was: Yeas 11; Nays 26; Present and Passing 1; Absent or Not Voting 2.

Yeas: Doll, Faust-Goudeau, Francisco, Hawk, Holland, Holscher, Peck, Pettey, Pittman, Sykes, Ware.

Nays: Alley, Baumgardner, Bowers, Claeys, Corson, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Present and Passing: Haley.

Absent or Not Voting: Billinger, Estes.

The amendment was rejected.

A motion by Senator Francisco failed and the following amendment was rejected: on page 1, in line 33, after "would" by inserting "change the Bill of Rights in the Kansas constitution to"; in line 34, by striking "to require" and inserting "requirement for";

On page 2, in line 4, after "would" by inserting "change the Bill of Rights in the Kansas constitution to"; in line 5, by striking the second "to"; in line 6, by striking "require" and inserting "requirement for"; in line 8, after "abortion" by inserting ", including, but not limited to, in circumstances of pregnancy resulting from rape or incest, or when necessary to save the life of the mother"; in line 10, after the comma by inserting "including the preservation of no requirement for the government funding for abortion"; in line 11, by striking all before "the" and inserting "would allow"; in line 12, by striking all after the comma; in line 13, by striking all before the period and inserting "to regulate abortion as long as the state establishes a compelling state interest and the regulations are narrowly tailored to promote that interest".

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

On roll call, the vote was: Yeas 11; Nays 27; Present and Passing 0; Absent or Not Voting 2.

Yeas: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Nays: Alley, Baumgardner, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Absent or Not Voting: Billinger, Estes.

The amendment was rejected.

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

On motion of Senator Suellentrop an emergency was declared by a 2/3 majority, and **HCR 5003** was advanced to Final Action and roll call.

**HCR 5003**, A PROPOSITION to amend the bill of rights of the constitution of the state of Kansas by adding a new section thereto stating that there is no constitutional right to abortion, and reserving to the people the ability to regulate abortion through the elected members of the legislature of the state of Kansas.

On roll call, the vote was: Yeas 28; Nays 11; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Absent or Not Voting: Estes.

A two-thirds constitutional majority having voted in favor of the resolution, **HCR 5003** was adopted.

#### EXPLANATION OF VOTE

Mr. President: As a mother of three daughters, it is incomprehensible to me that this body would not do everything in its power to make sure that if they were in a difficult situation that they were not being pressured or coerced into having an abortion. If the abortion industry is about empowering girls and women to make fully informed decisions, then they should be supporting this amendment, not opposing the most basic regulations at every turn. I am voting yes on Value Them Both because all women deserve at the very least the dignity and respect of someone looking out for their best interest.—MOLLY BAUMGARDNER

Mr. President: I support **HCR 5003** because I am pro-life and believe that life should be protected womb to tomb, because every person is a child of God. I also believe people do not lose that status, regardless of their journey in life. Government should never be in charge of dictating when an individual dies.—CAROLYN MCGINN

Mr. President: All Kansas women considering whether to undergo an abortion, including those women in the most difficult of pregnancies and circumstances, deserve at the very least informed consent about the procedure, clinic licensing and a duly-qualified medical professional who will perform the procedure. I support the Value Them Both Amendment because, among other reasons, it ensures that Kansans, through their duly elected Representatives and Senators, can preserve and enact those and other safeguards for women's health.—KELLIE WARREN

Senators Erickson and Gossage request the record to show they concur with the "Explanation of Vote" offered by Senator Warren on **HCR 5003**.

MR. PRESIDENT: I vote "NO" on **HCR 5003**. This legislature has been given both the opportunity and the responsibility to pass concurrent resolutions to allow the voters of Kansas to amend their Kansas Constitution. I take that responsibility seriously. I will not support this measure that would allow a majority of the voters who turn out for an election scheduled on the date of a primary election to restrict the natural right for personal autonomy of women, including women in circumstances of pregnancy resulting from rape or incest, or when necessary to save the life of the mother. I am also concerned that, for that vote, a majority of Senate members rejected the amendment that would modify the explanatory statements to that are printed on the ballot. In particular, in describing "A vote against" the language printed will be that such vote would restrict the people, through their elected state legislators, from regulating abortion when in fact, such vote would allow the people to regulate abortion as long as the state establishes a compelling state interest and the regulations are narrowly tailored to promote that interest. We should be truthful with the voters in presenting the amendment.—MARCI FRANCISCO

Senator Haley requests the record to show that he concurs with the "Explanation of Vote" offered by Senator Francisco on **HCR 5003**.

Mr. President: I vote "NO" on **HCR 5003**. I consider myself to be both pro-life and pro-choice. I have always respected my friends, family, and legislative colleagues who have different opinions on this issue. However, the Constitutional amendment addresses a difficult, highly moral decision which I believe the government should not make on behalf of women. This issue becomes even more important when we look at the wording of our Kansas Constitution and the Bill of Rights. Our Bill of Rights states, "All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness." I believe our Supreme Court was correct in recognizing that the term "men" includes women, that those rights for everyone include personal autonomy, and that personal autonomy extends to decisions about pregnancy. I believe that the Legislature still retains appropriate authority to regulate health care when there is a compelling state interest. However, I cannot support this amendment because of my deep belief in maintaining the basic rights guaranteed by the Kansas Constitution.—TOM HAWK

Senators Francisco and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hawk on **HCR 5003**.

Madam President: I vote NO on **HCR 5003** as I believe it could be exploited to severely restrict a woman's constitutional right to bodily autonomy.—TOM HOLLAND

Senator Francisco and Haley request the record to show they concur with the "Explanation of Vote" offered by Senator Holland on **HCR 5003**.

Mr. President: I vote "NO" on **HCR 5003**. Champions of this amendment have created a dichotomy that allows proponents to claim moral superiority over legislators attempting to address complicated realities faced by everyday Kansans. If we really valued the lives of women, those who are pregnant, infants, and children, we would provide universal early childhood education programs to Kansas families, which radically improve a child's chances of succeeding mentally, emotionally, and economically in life. And though some in this chamber don't want to hear it, we would expand Medicaid, which would provide affordable healthcare to 165,000 vulnerable Kansans. Instead, we are weaponizing fear and emotion to control our fellow Kansans. This is a mistake and we will regret this politically craven vote.—DINAH SYKES

Senators Francisco and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **HCR 5003**.

Mr. President: I vote "NO" on **HCR 5003**. We have an opportunity to put basic protections for case where the life of the mother are in jeopardy, and it is a tragedy we are not putting those in this resolution when modifying the most sacred law of our land, our Kansas Constitution.—JEFF PITTMAN

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

The Senate returned to Committee of the Whole with Senator McGinn in the chair.

On motion of Senator McGinn the following report was adopted:

**HCR 5001; SR 1705** be adopted.

**SR 1705** be amended by motion of Wilborn; on page 18, in line 16, after "Vote" by inserting "; Food and Drink"; in line 17, by striking "use of telephones and the"; in line 18, by striking "are" and inserting "is"; in line 24, after "recorders" by inserting ",

cellular devices used as a video recording device"; also in line 24, after "prohibited" by inserting ", except for the official live feed of Senate proceedings or as granted by permission of the President. Flash photography and the possession of food or drink in the galleries is prohibited"; the amendment was adopted.

Amendments offered by Senator Hawk and Senator Sykes were not adopted.

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

On motion of Senator Suellentrop an emergency was declared by a 2/3 majority, and **HCR 5001**; **SR 1705** were advanced to Final Action and roll call.

**HCR 5001**, A Concurrent Resolution adopting joint rules for the Senate and House of Representatives for the 2021-2022 biennium.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Doll, Estes.

**HCR 5001** was adopted.

**SR 1705**, A Resolution adopting rules for the Senate of the State of Kansas for the terms of the Senators commencing with the 2021 regular session of the Legislature.

On roll call, the vote was: Yeas 35; Nays 3; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Hawk, Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Francisco, Holland, Pittman.

Absent or Not Voting: Doll, Estes.

**SR 1705** was adopted, as amended.

### **MESSAGE FROM THE HOUSE**

Announcing adoption of **HCR 5005**.

Announcing passage of **HB 2008**, **HB 2022**, **HB 2026**.

### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2008**, **HB 2022**, **HB 2026**; **HCR 5005** were thereupon introduced and read by title.

### **REPORTS OF STANDING COMMITTEES**

Committee on **Agriculture and Natural Resources** recommends **SB 39** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **SB 40** be amended on page 9, in line 21, before "or" by inserting ", gift"; also in line 21, by striking "otherwise" and inserting "donation"; in line 25, after the second "agencies" by inserting "subject to the authority of the authorizing state or federal agency"; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **SB 15** be amended on page 2, in line 1, after "purposes" by inserting "with not more than 100 full-time employees maintaining offices or operating facilities and transacting business in the state of Kansas"; in line 15, after the comma by inserting "having at least one branch in the state of Kansas and"; following line 36, by inserting:

"(d) The legislature shall perform a review of the program as a part of the state treasurer's annual report on or after January 1, 2024.";

On page 3, in line 13, after "business" by inserting "in Kansas";

On page 4, in line 11, by striking all after "for"; in line 12, by striking all before "a"; also in line 12, after "of" by inserting "time not to exceed"; also in line 12, after "years" by inserting "and that is";

On page 12, in line 18, after "estate" by inserting "loans"; also in line 18, after "means" by inserting "loans made on"; in line 19, after "products" by inserting "and that:

(A) Have maturities of not less than five years and not more than 40 years;

(B) are secured by a first lien interest in real estate, except that the loans may be secured by a second lien interest if the institution also holds the first lien on the property; and

(C) have an outstanding loan balance when made that is less than 85% of the appraised value of the real estate, except that a loan for which private mortgage insurance is obtained may exceed 85% of the appraised value of the real estate to the extent the loan amount in excess of 85% is covered by such insurance"; and the bill be passed as amended.

Committee on **Insurance** recommends **SB 29** be amended on page 2, in line 31, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 53** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ways and Means** recommends **SB 1, SB 16** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

#### REFERENCE OF APPOINTMENTS

The following appointments were referred to committee as indicated:

State Board of Tax Appeals, Chief Hearing Officer:

Thomas Browne, to serve a term ending January 15, 2025

(Committee on Assessment and Taxation)

Member, Kansas Human Rights Commission

Michael Kane, to serve a term ending January 15, 2025

(Committee on Federal and State Affairs)

Member, University of Kansas Hospital Authority

David Dillon, to serve a term ending March 15, 2025

(Committee on Public Health and Welfare)

On motion of Senator Suellentrop, the Senate adjourned Pro Forma until 8:30 a.m., January 29, 2021.

# Journal of the Senate

FOURTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, January 29, 2021, 8:30 a.m.

The Senate was called to order Pro Forma by Senator Kellie Warren.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 89**.

Assessment and Taxation: **SB 98, SB 111, SB 112**.

Commerce: **SB 90, SB 91**.

Education: **SB 93**.

Federal and State Affairs: **SB 92, SB 94, SB 96, SB 108, SB 109**.

Judiciary: **SB 102, SB 103, SB 104, SB 105, SB 106, SB 107; SCR 1604; HB 2008, HB 2026**.

Local Government: **SB 88, SB 97**.

Public Health and Welfare: **SB 92**.

Transportation: **SB 95, SB 99, SB 100, SB 101, SB 113**.

Ways and Means: **SB 110; HB 2022**.

Committee of the Whole: **HCR 5005**.

## REPORTS OF STANDING COMMITTEES

Committee on **Insurance** recommends **SB 28** be amended on page 15, in line 23, by striking "2025" and inserting "2026"; and the bill be passed as amended.

## ANNOUNCEMENT

Under the authority of the Senate President, Senator Warren announced that with the adoption of **SR 1705** (see page 120 of the January 28, 2021 Journal), the Committee on **Financial Institutions** and the Committee on **Insurance** are now merged into the Committee on **Financial Institutions and Insurance**.

## TRIBUTES

Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of January 25 through January 29, 2021:

Senator Bowers: congratulating Calvin and Peggy Bohnert on receiving the 2020 Post Rock District Extension Appreciation Award, congratulating Stacy Forshee on receiving the 2020 Kansas Farm Bureau Friends of Agriculture Award, congratulating Judge Paul Monty on his retirement, congratulating Phillips County Review on its 100th Anniversary, congratulating Judge Michael Kirchoff on his retirement, congratulating

Jim Neihouse on his induction into the Osborne County Hall of Fame, extending official recognition to Deputy John Miner for receiving the SAR Medal of Heroism;

Senator Dietrich: congratulating Kevin Bordewick on being named the NFHS National Girls Volleyball Coach of the Year; and

Senator Faust-Goudeau: extending official recognition to the 10th Annual “Art that Touches Your Heart” event, remembering the life of Loren Breckenridge.

On motion of Senator Suellentrop, the Senate adjourned until 2:30 p.m., Monday, February 1, 2021.

# Journal of the Senate

FIFTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, February 1, 2021, 2:30 p.m.

The Senate was called to order by President Ty Masterson.  
The roll was called with 39 Senators present.  
Senator Estes was excused.  
Invocation by Reverend Cecil T. Washington:

Black History, By Our God, Is His-Story!  
Genesis 37:12-41:9

Heavenly Father, in 1976, President Gerald Ford called upon this nation to “seize the opportunity to honor the often neglected accomplishments of Black Americans in every endeavor throughout history.” Thank You Lord, for the way those achievements have significantly enhanced the quality of life for all people. Thank You also, for moving our society more and more toward the recognition and appreciation of Black contributions.

In Genesis 37:12 through 41:9, Joseph was wrongly enslaved. But You stuck by him and during the time of his bondage, You gave him a freedom on the inside that kept him connected to You. And being connected to You, he became a blessing to others but there was one, who forgot about Joseph. He was blessed by Joseph’s efforts, but forgot about him when he could have returned the favor.

Lord, thank You for those today that are not forgetting, but are helping us to remember Black History and Black contributions. When we consider the multitude of blessings derived from the Black community, help us to remember that being connected to You is what makes the difference. And as a result, the world for all of us, is a better place.

Keep us mindful then, that we’re all connected; that Black history is interwoven with all our history. And the real purpose for Black Lives to Matter is to stay tied together with You and through You, be a blessing to all lives. I humbly submit this prayer, In the Name of Jesus, Amen!

The Pledge of Allegiance was led by President Masterson.

On motion of Senator Suellentrop, the Senate recessed until the sound of the gavel.

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**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 114**, AN ACT concerning insurance; relating to motor vehicles, uninsured motorist and personal injury coverage; right to reject insurance coverage, certain entities; amending K.S.A. 40-284 and K.S.A. 2020 Supp. 40-3107 and repealing the existing sections, by Committee on Insurance.

**SB 115**, AN ACT concerning property taxation; relating to commercial property; authorizing the county to abate or credit property tax when certain property is negatively affected by temporary government restrictions on use during a state of disaster emergency, by Senator Holland.

**SB 116**, AN ACT concerning transportation; relating to the Eisenhower legacy transportation program; decreasing the threshold amount required for alternate delivery projects; providing for the usage of federal stimulus funds for certain projects; calculating KDOT bonding and debt cap authority; amending K.S.A. 68-2320 and 68-2328 and K.S.A. 2020 Supp. 68-2314c, 68-2332 and 75-5094 and repealing the existing sections, by Committee on Transportation.

**SB 117**, AN ACT concerning electric utilities; relating to the state corporation commission; authorizing the approval and issuance of K-EBRA bonds; financing costs of electric utility property, by Committee on Ways and Means.

**SB 118**, AN ACT concerning municipalities; relating to the dissolution of special districts and assumption of responsibilities by cities or counties, by Committee on Local Government.

**SB 119**, AN ACT concerning property taxation; relating to state board of tax appeals orders and notices; service by electronic means; time to request full and complete opinion; prohibiting valuation increases in certain appeals; relating to the county appraiser eligibility list; requiring notification when person no longer holds office of county appraiser; complying with certain appraisal standards; amending K.S.A. 74-2426, 74-2433f, 79-505, 79-1448, 79-1609 and 79-2005 and K.S.A. 2020 Supp. 19-432 and repealing the existing sections, by Committee on Assessment and Taxation.

**SB 120**, AN ACT establishing the joint committee on child welfare system oversight; concerning the safety and well-being of children in the child welfare system in the state of Kansas; requiring an annual report to the legislature, by Committee on Public Health and Welfare.

**SB 121**, AN ACT concerning health professions and practices; relating to the regulation of dentists; Kansas dental board; disciplinary action; licensure; updating certain provisions of the Kansas dental practices act; amending K.S.A. 65-1430 and 65-1467 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 122**, AN ACT concerning civil procedure; relating to the rules of evidence; methods to satisfy requirement to authenticate or identify records and documents; amending K.S.A. 60-464 and 60-467 and K.S.A. 2020 Supp. 60-460 and 60-465 and repealing the existing sections, by Committee on Judiciary.

**SB 123**, AN ACT concerning children and minors; relating to the revised code for care of children; creating a process for termination of parental rights for children conceived as a result of sexual assault; amending K.S.A. 2020 Supp. 23-3203, 38-2269 and 38-2271 and repealing the existing sections, by Committee on Judiciary.

**SB 124**, AN ACT concerning STAR bonds; relating to the financing of STAR bond

projects and rural redevelopment projects; eligible areas; major business facility; real estate transfers; plan for tracking the number of visitors; feasibility study requirements; capital investment and annual sales requirements; STAR bond districts; contiguity; project costs; sunset date; amending K.S.A. 2020 Supp. 12-17,162, 12-17,166, 12-17,169, 12-17,171 and 12-17,179 and repealing the existing sections, by Committee on Commerce.

SENATE CONCURRENT RESOLUTION No. 1605—

By Senators Holland, Haley and Pittman

A PROPOSITION to amend article 14 of the constitution of the state of Kansas by adding a new section thereto; relating to the powers of initiative and referendum.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 14 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

**"§ 3. Initiative and referendum powers.** (a) (1) The people reserve the power to propose and enact or reject amendments to this constitution by initiative, independent of the legislature.

(2) An initiative amendment to this constitution may be proposed only by a petition signed by not less than 8% of the qualified electors who voted in the last preceding gubernatorial election in each of two of the congressional districts in the state.

(3) An initiative petition shall include the full text of the proposed amendment to this constitution. A proposed amendment shall not contain more than one subject, and the enacting clause thereof shall be "Be it resolved by the people of the State of Kansas:".

(4) The title of each proposed amendment to this constitution shall be specified in the initiative petition and shall be a brief nontechnical statement expressing the intent or purpose of the proposed amendment and the effect of a vote for and a vote against the proposed amendment.

(5) When more than one proposed amendment to this constitution is submitted at the same election, such proposed amendments shall be so submitted as to enable the electors to vote separately on each proposed amendment.

(6) One amendment to this constitution may revise any entire article, except the article on general provisions, and in revising any article, the article may be renumbered, and all or parts of other articles may be amended or amended and transferred to the article being revised.

(7) Not more than five amendments proposed by initiative shall be submitted at the same election.

(b) (1) Notwithstanding the provisions of section 1 of article 2 of this constitution, the people reserve the power to propose and enact or reject laws by initiative, independent of the legislature.

(2) An initiative law may be proposed only by a petition signed by not less than 5% of the qualified electors who voted in the last preceding gubernatorial election in each of two of the congressional districts in the state.

(3) An initiative petition shall include the full text of the proposed law. A proposed law shall not contain more than one subject, and the enacting clause thereof shall be "Be it enacted by the people of the State of Kansas:".

(4) The title of each proposed law shall be specified in the initiative petition and shall be a brief nontechnical statement expressing the intent or purpose of the proposed law and the effect of a vote for and a vote against the proposed law.

(5) When more than one proposed law is submitted at the same election, such proposed law shall be so submitted as to enable the electors to vote separately on each proposed law.

(6) An initiative petition that requires the appropriation of moneys shall only require the appropriation of moneys directly attributable to revenues collected pursuant to the provisions of the petition, and the purpose of such appropriation shall not otherwise be prohibited by this constitution.

(c) (1) The people reserve the power to approve or reject by referendum any bill enacted by the legislature, except as otherwise provided in this subsection.

(2) A referendum on a bill, or any part thereof, may be ordered by a petition signed by not less than 5% of the qualified electors who voted in the last preceding gubernatorial election in each of two of the congressional districts in the state.

(3) A referendum petition shall not be allowed on any part of a bill:

(A) Necessary for the immediate preservation of the public peace, health or safety; or

(B) making or repealing any appropriation of moneys.

(4) A referendum ordered by petition on a part of a bill shall not delay the remainder of the bill from becoming effective.

(5) A referendum on a bill may be ordered by the legislature by law.

(6) Notwithstanding section 14 of article 2 of this constitution, a bill ordering a referendum and a bill on which a referendum is ordered shall not require the signature of the governor or be subject to veto by the governor.

(d) (1) Before an initiative or referendum petition may be circulated for signatures, a draft of such petition shall be submitted to

the secretary of state in the form in which such petition will be circulated for signatures. Upon submission of a draft petition to the secretary of state, the name and address of an individual shall be provided to the secretary of state as the individual to whom any notices shall be sent. The secretary of state shall transmit a copy of the draft petition to the attorney general for review. The secretary of state and the attorney general shall each review the draft petition for sufficiency as to form, approve or reject the form of the draft petition and state the reasons for rejection, if any.

(2) Upon receipt of a draft petition from the secretary of state, the attorney general shall examine the draft petition as to form. The attorney general shall send notice of approval or rejection of the draft petition to the secretary of state within 10 days after receipt of the draft petition.

(3) The secretary of state shall review the notice of approval or rejection of the attorney general and make a final decision as to the approval or rejection of the form of the draft petition. The secretary of state shall send written notice of such approval or rejection, including the reasons for rejection, to the individual designated to receive notices within 30 days after submission of the draft petition.

(4) No petition may be submitted to the secretary of state for review until the day immediately following the date of the regular general election that immediately precedes the regular general election for which the petition is submitted.

(5) A petition signed by the required number of qualified electors shall be submitted to the secretary of state on or before June 1 prior to the date of the next regular general election.

(e) All elections on initiative and referendum measures shall be held at the regular general elections in even-numbered years, unless otherwise ordered by the legislature pursuant to subsection (c)(5).

(f) Notwithstanding any provision of this constitution to the contrary, an initiative or referendum measure shall become effective 30 days after the day on which it is enacted or approved by a majority of the votes cast thereon. When conflicting measures are approved at the same election, the one receiving the largest affirmative vote shall prevail.

(g) If any initiative measure is not approved but receives an affirmative vote of at least  $\frac{1}{3}$  of the total votes cast on such measure, then such measure shall be placed on the ballot at the next regular general election in an even-numbered year without the submission of any petition for such measure. But no such measure shall be placed on the ballot at a third consecutive regular general election unless a petition has been submitted in accordance with this section.

(h) The provisions of this section shall be self-executing, but legislation may be enacted to facilitate its implementation."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*"Explanatory statement.* This amendment would allow the people to propose and enact or reject amendments to the constitution of the state of Kansas by initiative, independent of the legislature. This amendment would also allow the people to propose and enact or reject laws by initiative, independent of the legislature. Finally, this amendment would allow a referendum on any bill enacted by the legislature either by petition from the people or by order of the legislature by law. A referendum petition would not be allowed on any part of a bill necessary for the immediate preservation of the public peace, health or safety or any part of a bill making or repealing any appropriation.

"A vote for this proposition would reserve to the people the power to propose and enact or reject laws and amendments to the constitution of the state of Kansas by initiative, independent of the legislature, and the power to approve or reject by referendum any bill enacted by the legislature.

"A vote against this proposition would not make any changes to the constitution and would not reserve the powers of initiative and referendum to the people."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2022, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

## **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Estes, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, Olson, O'Shea, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1706—

A RESOLUTION urging the President of the United States to honor the last surviving World War II Medal of Honor recipient with a designated state funeral.

WHEREAS, World War II began in 1939 and ended in 1945; and

WHEREAS, Over 16 million Americans served their country alongside the Allied powers over the course of the war; and

WHEREAS, The men and women who served our country in World War II have been called the "greatest generation" for their selfless sacrifice; and

WHEREAS, The Medal of Honor is the highest military decoration awarded by the

United States government; and

WHEREAS, The Medal of Honor is only conferred upon members of the United States Armed Forces who distinguish themselves through conspicuous gallantry at the risk of life above and beyond the call of duty while engaged in action against an enemy of the United States; and

WHEREAS, More than 3,400 Medals of Honor have been awarded to our nation's bravest soldiers, sailors, airmen, marines and coast guardsmen since the creation of the award in 1861; and

WHEREAS, The Medal of Honor was awarded to 353 Americans during World War II; and

WHEREAS, Only two of these 353 Americans are alive today; and

WHEREAS, These courageous servicemen, Charles H. Coolidge of Tennessee and Hershel Woodrow Williams of West Virginia, risked their lives while serving their country with gallantry and therefore, deserve the gratitude of the American people; and

WHEREAS, The President of the United States presents the Medal of Honor in the name of Congress; and

WHEREAS, The President of the United States has the sole authority to designate a state funeral; and

WHEREAS, Historically, the President of the United States has designated state funerals for former presidents, generals and other extraordinary Americans; and

WHEREAS, Our nation is currently divided and longs for a unifying national event; and

WHEREAS, Designating a state funeral upon the passing of the last surviving World War II Medal of Honor recipient would be a fitting way for the American people to unite and to honor all of the 16 million soldiers, sailors, airmen, marines and coast guardsmen who served in our Armed Forces from 1941 to 1945: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we urge the President of the United States to honor the last surviving World War II Medal of Honor recipient with a designated state funeral; and

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

On emergency motion of Senator Alley **SR 1706** was adopted unanimously.

#### **CHANGE OF REFERENCE**

The President withdrew **SB 78** from the Committee on **Judiciary**, and referred the bill to the Committee on **Financial Institutions and Insurance**.

#### **MESSAGES FROM THE GOVERNOR**

January 13, 2021

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Laura Kelly  
Governor

*State Long-Term Care Ombudsman*, Camille Russell, Chanute, (D), pursuant to the authority vested in me by K.S.A. 75-7304, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed Barbara Hickert.

*Brigadier General, Director of the Joint Staff, Kansas National Guard*, Col. Michael Venerdi, Bel Aire, (R), pursuant to the authority vested in me by K.S.A. 48-208, and effective upon the date of confirmation by the Senate, to the rank of Brigadier General and to serve at the pleasure of the governor, to succeed Major General David Weishaar.

*Certified Public Accountant, Kansas Board of Tax Appeals*; Virginia Powell, Topeka, (D), pursuant to the authority vested in me by K.S.A. 74-2433 and effective upon the date of confirmation by the Senate, to serve the remainder of an unexpired four-year term, to succeed James Cooper.

*Public Member, KU Hospital Authority*; Kevin Lockett, Leawood, (D), pursuant to the authority vested in me by K.S.A. 76-3304, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed Michael Copeland.

*Chair, Kansas Water Authority*; Dawn Buehler, Eudora, (U), pursuant to the authority vested in me by K.S.A. 74-2622 and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Connie Owen.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Bowers the following report was adopted:

**SB 27** be passed.

**SB 28, SB 29** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**SB 15** be amended by the adoption of the committee amendments, be further amended by motion of Senator Fagg; on page 2, in line 2, by striking "100" and inserting "200" and **SB 15** be passed as further amended.

#### FINAL ACTION ON CONSENT CALENDAR

**SB 21, SB 33** and **SB 47** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**SB 21**, AN ACT concerning sales and compensating use tax; relating to countywide retailers' sales tax; approving election by Cherokee county; amending K.S.A. 2020 Supp. 12-187 and 12-189 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeyes, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes.

The bill passed.

**SB 33**, AN ACT concerning motor vehicles; relating to the vehicle dealers and

manufacturers licensing act; providing for a display show license; allowing for new vehicle dealers and manufacturers to participate in display shows; amending K.S.A. 2020 Supp. 8-2435 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes.

The bill passed.

**SB 47**, AN ACT concerning income taxation; enacting the Kansas taxpayer protection act; relating to paid tax return preparers; requiring a signature and tax identification number on returns and claims; authorizing actions by the secretary of revenue to enjoin certain conduct.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes.

The bill passed.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Suellentrop an emergency was declared by a 2/3 constitutional majority, and **SB 15**, **SB 27**, **SB 28**, **SB 29** were advanced to Final Action and roll call.

**SB 15**, AN ACT concerning financial institutions; enacting the Kansas economic recovery loan deposit program; relating to credit unions, field of membership; banks, trust companies and savings and loan institutions, privilege tax, deduction of net interest received from certain agricultural real estate loans and single family residence loans; amending K.S.A. 75-4237 and 79-1109 and K.S.A. 2020 Supp. 17-2205 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes.

The bill passed, as amended.

**SB 27**, AN ACT concerning health and environment; relating to the Kansas storage tank act; increasing the limit of certain liability amounts; reimbursements; extending the existence of the underground fund, aboveground fund, UST redevelopment fund and the

UST redevelopment fund compensation advisory board; amending K.S.A. 65-34,105, 65-34,118, 65-34,119, 65-34,120, 65-34,123, 65-34,128, 65-34,134 and 65-34,139 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes.

The bill passed.

**SB 28**, AN ACT concerning insurance; relating to the reinsurance of risk; updating the national association of insurance commissioners credit for reinsurance model law; insurance holding company act; codifying the national association of insurance commissioners credit for insurance model regulation; amending K.S.A. 2020 Supp. 40-221a, 40-3302, 40-3304 and 40-3306 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes.

The bill passed, as amended.

**SB 29**, AN ACT concerning insurance; relating to risk-based capital requirements; updating the version of instructions in effect; amending K.S.A. 2020 Supp. 40-2c01 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes.

The bill passed, as amended.

## **SPECIAL REMARKS**

Senator David Haley submitted the following remarks:

Mr. President: Americans are known to begin a National Anthem with the question: "Oh say can you see by the dawn's early light; what so proudly we hailed at the twilight's last gleaming ... ?"

Today on the first day of Black History Month, with the month of February being the shortest of our calendar, I ask each of us to consider, albeit briefly, the meaning behind

the proud declarations found in what is known as “The Negro National Anthem”; once a poem, and first recited and sung by 500 school children on February 12, 1900, in celebration of President Lincoln’s birthday.

LIFT every voice and sing until Earth and Heaven ring  
 Ring with the harmonies of liberty.  
 Let our rejoicing rise High as the listening skies  
 Let it resound; loud as the rolling sea.  
 Sing a song full of the faith that the dark past has brought us,  
 Sing a song full of the hope that the present has brought us;  
 Facing the rising sun of our new day begun,  
 Let us march on till victory is won.  
 STONY the road we trod, bitter the chastening rod,  
 Felt in the days when hope unborn had died;  
 Yet with a steady beat, have not our weary feet,  
 Come to the place for which our father sighed?  
 We have come over a way that with tears have been watered.  
 We have come, treading our path through the blood of the slaughtered.  
 Out from the gloomy past, till now we stand at last  
 Where the white gleam of our bright star is cast.  
 GOD of our weary years, God of our silent tears,  
 Thou Who hast brought us thus far on the way;  
 Thou Who hast by Thy might, led us into the light,  
 Keep us forever in the path, we pray.  
 Lest our feet, stray from the places our God where we met Thee.  
 Lest our hearts, drunk with the wine of the world we forget Thee.  
 Shadowed beneath Thy hand, may we forever stand,  
 True to our God, true to our native land.  
 (LIFT EVERY VOICE AND SING "The Negro National Anthem")

James Weldon Johnson

Mr. President and Fellow Senators: Our constituencies are often a multi-hued collaboration of race, color, creeds that provide sinew in the building, together of our great State and this great Country.

This melting pot, no, this “stir fry” of blending that makes us so unique and proud in the world should be shared by recognizing the contributions this month of Black Americans in our State (or Afri-Kansans, as I often call us!) some whose roots go back to an ancestry that escaped from other States or fled, as Exodusters, from a repressive life in the South or who relocated here in Kansas because we have always been billed, since our compromise in being admitted into the United States in 1861, as a beacon to “life, liberty and the pursuit of happiness” for ALL people.

We proudly ask this month be remarked and remembered!

## REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 38** be amended on page 3, in line 14, after "Pesticides" by inserting "with no identifiable owner or responsible party"; in line 15, by striking all before the semicolon; and the bill be passed as amended.

Committee on **Insurance** recommends **SB 30** be amended on page 6, in line 21, after "were" by inserting "legal";

On page 7, in line 29, by striking all after "(10)"; by striking all in lines 30 and 31; in line 32, by striking all before the period and inserting:

"(A) Any natural person adversely affected by any order or decision of the administrator under this act may, within 15 days of service of the order or decision, make a written request for a hearing. Hearings under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(B) Any natural person adversely affected by any final action of the administrator pursuant to this act may obtain a review of the action in accordance with the Kansas judicial review act"; and the bill be passed as amended.

#### **STRICKEN FROM THE CALENDAR**

On motion of Senator Suellentrop, the following resolutions were stricken from the Calendar under the heading of General Orders: **SCR 1602; SR 1704.**

#### **REPORT ON ENROLLED BILLS**

**SR 1705** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 1, 2021.

On motion of Senator Suellentrop, the Senate adjourned Pro Forma until 2:30 p.m., February 2, 2021.

# Journal of the Senate

SIXTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, February 2, 2021, 2:30 p.m.

The Senate was called to order Pro Forma by Vice President Rick Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 125**, AN ACT concerning elections; relating to the mail ballot election act; authorizing mail ballot elections for proposed constitutional amendments; amending K.S.A. 25-437 and K.S.A. 2020 Supp. 25-432 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 126**, AN ACT concerning alcoholic beverages; relating to the club and drinking establishment act; authorizing the sale of alcoholic liquor by class A clubs at special events; amending K.S.A. 2020 Supp. 41-2601 and 41-2637 and repealing the existing sections, by None.

**SB 127**, AN ACT concerning drivers' licenses; relating to online renewals of licenses for individuals up to 65 years of age; providing for the renewal of licenses to be delivered electronically; eligibility for restricted driving privileges; amending K.S.A. 2020 Supp. 8-240, 8-247 and 8-2110 and repealing the existing sections; also repealing K.S.A. 2020 Supp. 8-2110b, by Committee on Transportation.

**SB 128**, AN ACT concerning insurance; relating to pharmacy benefit managers; prohibiting disparate treatment of certain pharmacies and pharmaceutical services providers participating in the federal 340B drug pricing program, by Committee on Public Health and Welfare.

**SB 129**, AN ACT concerning the Kansas dental board; relating to the practice of dental therapy; education requirements; scope of practice; providing for the licensure of dental therapists; requiring adoption of rules and regulations; requiring a submission of a joint report to the legislature by the department of health and environment and the Kansas dental board; amending K.S.A. 65-1421, 65-1424, 65-1431, 65-1434, 65-1436, 65-1441, 65-1447, 65-1449, 65-1456, 65-1460, 65-1462, 65-1469, 65-4921, 65-5912, 65-7304, 74-1405, 74-1406, 75-2935 and 75-6102 and K.S.A. 2020 Supp. 65-4915 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 130**, AN ACT concerning the Kansas act against discrimination; relating to race; hair texture and protective hairstyles; amending K.S.A. 44-1015 and K.S.A. 2020 Supp. 44-1002 and repealing the existing sections, by Senator Faust-Goudeau.

**SB 131**, AN ACT concerning funeral processions; relating to the regulation thereof; permitting funeral escorts to direct funeral procession traffic through intersections and traffic control devices, by Senator Pittman.

**SB 132**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; amending credits on court-imposed fines for community service to the minimum wage; amending K.S.A. 2020 Supp. 21-6604 and repealing the existing section, by Senator Pittman.

**SB 133**, AN ACT concerning electric public utilities; relating to the state corporation commission; exempting retail sales of electricity through electric vehicle charging stations from commission jurisdiction; amending K.S.A. 66-104 and repealing the existing section, by Committee on Utilities.

**SR 1707**, A RESOLUTION recognizing the need for the Governor of Kansas to administer the COVID-19 vaccine to law-abiding Kansans by Committee on Public Health and Welfare.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 115**, **SB 119**.

Commerce: **SB 124**.

Financial Institutions and Insurance: **SB 114**.

Judiciary: **SB 122**, **SB 123**; **SCR 1605**.

Local Government: **SB 118**.

Public Health and Welfare: **SB 120**, **SB 121**.

Transportation: **SB 116**.

Ways and Means: **SB 117**.

### REFERENCE OF APPOINTMENTS

The following appointments made by the Governor and submitted to the Senate for confirmation, were referred to Committees as indicated:

*Chairperson, Kansas Water Authority:*

Dawn Buehler, to serve at the pleasure of the Governor.

(Committee on Agriculture and Natural Resources)

*Member, University of Kansas Hospital Authority:*

Kevin Lockett, to serve a term ending March 15, 2023.

(Committee on Public Health and Welfare)

*Ombudsman, State Long Term Care Ombudsman:*

Camille Russell, to serve a term ending March 15, 2024.

(Committee on Public Health and Welfare)

*Brigadier General, Kansas National Guard:*

Michael Venerdi, to serve at the pleasure of the Governor.

(Committee on Federal and State Affairs)

*Member, State Board of Tax Appeals:*

Virginia Powell, to serve a term ending January 15, 2024.

(Committee on Assessment and Taxation)

### REFERENCE OF RESOLUTIONS

By authority of the Senate President, Vice President Wilborn referred **SR 1707** to the calendar under the heading **General Orders**.

**COMMUNICATIONS FROM STATE OFFICERS**

The following reports were submitted to the Senate and are on file with the Secretary of the Senate:

Kansas Highway Patrol annual report regarding the state forfeiture fund (January 13, 2021)

Kansas Attorney General report on the implementation, administration and enforcement of the provisions of the Scrap Metal Theft Reduction Act (SMTRA) (January 29, 2021)

**REPORTS OF STANDING COMMITTEES**

Committee on **Education** recommends **SB 55**, **SB 64** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Utilities** recommends **SB 24** be amended on page 1, in line 10, by striking "Public"; also in line 10, after the first "utility" by inserting "service"; also in line 10, by striking "any" and inserting "the retail provision of"; also in line 10, by striking all after "gas"; in line 11, by striking all before the period; in line 15, by striking "public"; also in line 15, by striking all after "utility"; in line 16, by striking all before the period and inserting "service"; in line 17, after "(c)" by inserting "This section shall not be construed to restrict the ability of a municipality to limit an end use customer's use of a utility service if the end use customer is such municipality.

(d)";

Also on page 1, in line 20, by striking "statute book" and inserting "Kansas register";

Also on page 1, in the title, in line 2, by striking "public utilities" and inserting "natural gas utility service"; and the bill be passed as amended.

On motion of Senator Alley, the Senate adjourned Pro Forma until 2:30 p.m., February 3, 2021.

# Journal of the Senate

SEVENTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 3, 2021, 2:30 p.m.

The Senate was called to order Pro Forma by Vice President Rick Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 134**, AN ACT concerning state agencies; relating to employees; requiring minimum staffing plans, by Senator Pittman.

**SB 135**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; affiliation and membership of certain employees of the department of corrections located at correctional institutions and juvenile correctional facilities in the Kansas police and firemen's retirement system; providing for employee and employer contributions, by Senator Pittman.

**SB 136**, AN ACT concerning crimes, punishment and criminal procedure; abolishing the death penalty; creating the crime of aggravated murder; requiring a sentence of imprisonment for life without the possibility of parole therefor; clarifying laws related to sentences of imprisonment for life without the possibility of parole; amending K.S.A. 65-5117, 72-2165 and 75-52,148 and K.S.A. 2020 Supp. 21-5301, 21-5402, 21-5419, 21-6328, 21-6614, 21-6618, 21-6620, 21-6622, 21-6628, 21-6629, 21-6806, 22-2512, 22-3717, 22-4902, 22-4906, 23-3222, 38-2255, 38-2271, 38-2303, 38-2312, 38-2365, 39-970 and 39-2009 and repealing the existing sections; also repealing K.S.A. 2020 Supp. 21-5401, 21-6617 and 21-6619, by Committee on Ways and Means.

**SB 137**, AN ACT concerning occupational regulation; relating to occupational licenses for certain applicants; telemedicine; temporary emergency licenses; electronic credentials; amending K.S.A. 2020 Supp. 48-3406 and repealing the existing section, by Committee on Commerce.

**SB 138**, AN ACT concerning health and healthcare; relating to certified community behavioral health clinics; establishing certification and funding processes therefor; prescribing powers, duties and functions of the Kansas department for aging and disability services and the department of health and environment related thereto, by Committee on Public Health and Welfare.

**SB 139**, AN ACT concerning schools; relating to the student data privacy act; certain tests, questionnaires, surveys and examinations; permitting the administration thereof on an opt-out basis; providing conditions therefor; amending K.S.A. 72-6316 and repealing the existing section, by Committee on Public Health and Welfare.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Commerce: **SB 126**.

Federal and State Affairs: **SB 125, SB 130**.

Financial Institutions and Insurance: **SB 128**.

Judiciary: **SB 132**.

Public Health and Welfare: **SB 129**.

Transportation: **SB 127, SB 131**.

Utilities: **SB 133**.

**COMMUNICATIONS FROM STATE OFFICERS**

The following reports were submitted to the Senate and are on file with the Secretary of the Senate:

Kansas Guardianship Program: 2020 Annual Report (July 1, 2019-June 30, 2020)

Kansas Division of the Budget: Annual Report for Rules and Regulations (January 29, 2021)

Kansas Department for Aging and Disability Services: CARE Annual Report (FY 2020)

**REPORTS OF STANDING COMMITTEES**

Committee on **Education** recommends **SB 32** be amended on page 3, in line 27, after "another" by inserting "in state";

On page 4, in line 33, by striking "enrollment in"; in line 34, after "programs" by inserting "that receive financial assistance or funding"; also in line 34, by striking all after "72-3810"; by striking all in line 35; in line 36, by striking all before "72-3819" and inserting "or"; and the bill be passed as amended.

Committee on **Federal and State Affairs** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

*Labor Representative, Kansas Human Rights Commission: K.S.A. 44-1003*

Michael Kane, to fill a term expiring on January 15, 2025.

**REPORT ON ENROLLED BILLS**

**SR 1706** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 3, 2021.

On motion of Senator Suellentrop, the Senate adjourned until 2:30 p.m., Thursday, February 4, 2021.

# Journal of the Senate

## EIGHTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 4, 2021, 2:30 p.m.

The Senate was called to order by President Ty Masterson.  
The roll was called with 38 senators present.  
Senators Alley and Estes were excused.  
Invocation by Reverend Cecil T. Washington:

A Firm Anchor; The Law of Love!  
Matthew 22:36-40, I Corinthians 13

Heavenly Father, in the midst of uncertainty, thank You for providing something that is certain. And when the state of our being is unstable, we're grateful that we can find in You, a firm foundation. You have provided us with the security of an anchor, that will keep us from aimlessly drifting in the madness of life.

You said in Matthew 22:36-40, that if we love You with everything we've got and then love others with the same love we have for ourselves, all of our necessities You would provide. Therefore our greatest security rests in holding on to the anchor; the Word of Your promise.

Although we're living in a hectic world, keep us mindful that Your precious promises are strong and secure. And anything that You make secure, cannot be destabilized, destroyed or removed from us. In I Corinthians 13, You said love is patient with others, kind to people and that it grips a host of other characteristics.

Lord, let the attributes of love for You and for one another, be the firm anchor that we hold dear to our hearts. Let the love and peace of God begin; let it begin right here. In the loving Name of Jesus, I offer this prayer, Amen!

The Pledge of Allegiance was led by President Ty Masterson.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 140**, AN ACT concerning the Kansas state employees health care commission; changing membership thereon to include a current and retired state employee enrolled in the state healthcare benefits program group health insurance medical plan; amending K.S.A. 75-6502 and repealing the existing section, by Senator McGinn.

**SB 141**, AN ACT enacting the Kansas uniform directed trust act; relating to power over a trust held by a nontrustee; establishing powers and duties of a trust director and a directed trustee; amending K.S.A. 58a-703 and K.S.A. 2020 Supp. 58a-103, 58a-105 and 58a-603 and repealing the existing sections; also repealing K.S.A. 58a-808, by

Committee on Judiciary.

**SB 142**, AN ACT concerning wildlife, parks and recreation; relating to boating and water activities; requiring personal flotation devices as prescribed by the secretary of wildlife, parks and tourism in rules and regulations; amending K.S.A. 32-1129 and repealing the existing section, by Committee on Agriculture and Natural Resources.

**SB 143**, AN ACT concerning agriculture; relating to grain warehouses; updating definitions; increasing maximum functional unit license and storage fees; amending K.S.A. 34-2,107 and 34-2,111 and K.S.A. 2020 Supp. 34-223, 34-228 and 34-2,112 and repealing the existing sections; also repealing K.S.A. 34-136, by Committee on Agriculture and Natural Resources.

**SB 144**, AN ACT concerning education; relating to the Kansas school equity and enhancement act; making the high-density at-risk student weighting permanent; amending K.S.A. 72-5151 and repealing the existing section, by Committee on Education.

**SB 145**, AN ACT concerning the Kansas department of wildlife, parks and tourism; authorizing the purchase of land in Kingman county, by Committee on Ways and Means.

**SB 146**, AN ACT concerning drivers' licenses; relating to driving under the influence of alcohol or drugs; providing that the highway patrol has oversight of state certification ignition interlock manufacturers and their service providers; amending K.S.A. 8-1016 and K.S.A. 2020 Supp. 8-241, 8-1014 and 8-1015 and repealing the existing sections, by Committee on Transportation.

**SB 147**, AN ACT concerning sales taxation; relating to exemptions; defining nonprofit integrated community care organizations and providing an exemption therefor; amending K.S.A. 79-3602 and 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 148**, AN ACT concerning community improvement districts; relating to creation of a district and assessment of sales tax; providing an exception for grocery stores; amending K.S.A. 2020 Supp. 12-6a29 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 149**, AN ACT concerning property taxation; relating to the reimbursement to certain property owners of property taxes resulting from a forced shutdown or capacity limitation by a county, by Committee on Assessment and Taxation.

**SB 150**, AN ACT concerning legal services; relating to advertising; defining and prohibiting certain legal advertisement practices as unlawful and deceptive trade practices; restricting the use or disclosure of protected health information for legal solicitation; prescribing civil and criminal penalties, by Committee on Judiciary.

**SB 151**, AN ACT concerning attorneys; relating to limitations on contingency fee agreements, by Committee on Judiciary.

**SB 152**, AN ACT concerning the code of civil procedure; relating to litigation funding by third parties; providing for joint liability for costs and sanctions; requiring certain discovery disclosures; payment of certain costs for nonparty subpoenas in third-party funded action; amending K.S.A. 2020 Supp. 60-226 and 60-245 and repealing the existing sections, by Committee on Judiciary.

**SB 153**, AN ACT concerning counties; establishing procedures for the adoption of term limits for members of the board of county commissioners, by Committee on Local Government.

**SB 154**, AN ACT concerning home and community-based services; relating to the intellectual or developmental disability waiver; increasing provider reimbursement rates; making and concerning appropriations for the fiscal years ending June 30, 2022, June 30, 2023, and June 30, 2024, for the Kansas department for aging and disability services; directing the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight to study the waiting list for such services, by Committee on Ways and Means.

**SB 155**, AN ACT concerning health and healthcare; relating to newborn screening; establishing an advance universal newborn screening program; providing for reimbursement of treatment services; authorizing the secretary of health and environment to specify conditions included in screenings; increasing transfers of moneys to the Kansas newborn screening fund; amending K.S.A. 65-181 and 65-183 and K.S.A. 2020 Supp. 65-180 and repealing the existing sections, by Committee on Ways and Means.

**SB 156**, AN ACT concerning firearms; relating to the personal and family protection act; prohibiting the carrying of concealed handguns in the state capitol; amending K.S.A. 75-7c21 and K.S.A. 2020 Supp. 21-6309 and repealing the existing sections, by Senator Holscher.

**SB 157**, AN ACT concerning elections; requiring election commissioners to be elected in certain counties; amending K.S.A. 19-3419 and K.S.A. 2020 Supp. 25-101, 25-213, 25-611 and 25-618 and repealing the existing sections, by Senator Holscher.

**SB 158**, AN ACT concerning abandoned and disabled vehicles; relating to the prohibition against towing vehicles outside the state of Kansas without prior consent; requiring an interstate search of registered owners and lienholders prior to sale of nonrepairable vehicles and vehicles less than 10 years old and publication in the newspaper seven days prior to sale of vehicles and property at auction; amending K.S.A. 8-1101 and K.S.A. 2020 Supp. 8-1103 and 8-1104 and repealing the existing sections, by Committee on Transportation.

SENATE CONCURRENT RESOLUTION No. 1606—

By Committee on Local Government

A PROPOSITION to amend article 9 of the constitution of the state of Kansas by adding a new section thereto; concerning home rule for counties.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 9 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

**"§ 6. Counties' power of home rule.** (a) Counties are hereby empowered to determine their local affairs and government including the levying of taxes, excises, fees, charges and other exactions, except when and as the levying of any tax, excise, fee, charge or other exaction is limited or prohibited by enactment of the legislature

applicable uniformly to all counties of the same class. The legislature may establish not to exceed four classes of counties for the purpose of imposing all such limitations or prohibitions. Counties shall exercise such determination by resolution passed by the governing body with referendums only in such cases as prescribed by the legislature, subject only to enactments of the legislature of statewide concern applicable uniformly to all counties, to other enactments of the legislature applicable uniformly to all counties, to enactments of the legislature applicable uniformly to all counties of the same class limiting or prohibiting the levying of any tax, excise, fee, charge or other exaction and to enactments of the legislature prescribing limits of indebtedness. All enactments relating to counties now in effect or hereafter enacted and as later amended and until repealed shall govern counties, except as counties shall exempt themselves by charter resolutions as herein provided for in subsection (b).

(b)(1) Any county may by charter resolution elect in the manner prescribed in this section that the whole or any part of any enactment of the legislature applying to such county, other than enactments of statewide concern applicable uniformly to all counties, other enactments applicable uniformly to all counties, and enactments prescribing limits of indebtedness, shall not apply to such county.

(2) A charter resolution is a resolution which exempts a county from the whole or any part of any enactment of the legislature as referred to in this section and which may provide substitute and additional provisions on the same subject. Such charter resolution shall be so titled, shall designate specifically the enactment of the legislature or part thereof made inapplicable to such county by the adoption of such resolution and contain the substitute and additional provisions, if any, and shall require a two-thirds vote of the members-elect of the governing body of such county. Every charter resolution shall be published once each week for two consecutive weeks in the official county newspaper or, if there is none, in a newspaper of general circulation in the county.

(3) No charter resolution shall take effect until 60 days after its final publication. If, within 60 days of its final publication, a petition signed by a number of electors of the county equal to not less than 10% of the number of electors who voted at the last preceding regular county election shall be filed in the office of the clerk of such county demanding that such resolution be submitted to a vote of the electors, it shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon. An election, if called, shall be called within 30 days and held within 90 days after the filing of the petition. The governing body shall pass a resolution calling the election and fixing the date, which resolution shall be published once each week for three consecutive weeks in the official county newspaper or, if there be none, in a newspaper of general circulation in the county, and the election shall be conducted as

elections for officers and by the officers handling such elections. The proposition shall be: "Shall charter resolution No. \_\_\_\_\_, entitled (title of resolution) take effect?" The governing body may submit any charter resolution to a referendum without petition by the same publication of the charter resolution, and the same publication of the resolution calling the election as for resolutions upon petition and such charter resolution shall then become effective when approved by a majority of the electors voting thereon. Each charter resolution becoming effective shall be recorded by the county clerk in a book maintained for that purpose with a statement of the manner of adoption, and a certified copy shall be filed with the secretary of state, who shall keep an index of the same.

(4) Each charter resolution enacted shall control and prevail over any prior or subsequent act of the governing body of the county, and may be repealed or amended only by charter resolution or by enactments of the legislature applicable to all counties.

(c) Powers and authority granted to counties pursuant to this section shall be liberally construed for the purpose of giving to counties the largest measure of self-government.

(d) This amendment shall be effective on and after July 1, 2023."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*"Explanatory statement.* This amendment would provide a constitutional basis for county home rule. A county could enact a charter resolution to exempt itself from non-uniform state laws that apply to the county and provide substitute or additional provisions to that law. The legislature could preempt counties from exercising home rule powers by the passage of uniform state laws that apply to all counties in the exact same manner. Counties could pass home rule resolutions to legislate locally on matters not covered by state law.

"A vote for this proposition would empower counties to determine their local affairs and government with a constitutional grant of power that could only be preempted by enactments of the legislature that apply uniformly to all counties in the exact same way.

"A vote against this proposition would retain the present law granting counties home rule power and other both uniform and non-uniform laws pertaining to counties that can be readily amended by the legislature to restrict home rule powers by statute."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2022, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

## SENATE CONCURRENT RESOLUTION No. 1607—

By Senator Pyle

A PROPOSITION to amend article 6 of the constitution of the state of Kansas by creating a new section limiting the authority to close a school district or attendance center within a school district to locally elected boards of education.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 6 of the constitution of the state of Kansas is hereby amended by adding a new section thereto to read as follows:

**"§ 11. Closure of school districts or attendance centers. (a)**

The locally elected board of a school district shall be the only government entity that may close a school district or attendance center within such school district, except as provided by law.

(b) The executive branch, judicial branch, state board of education or any constitutional officer of the executive department shall not have the authority to effectuate the closure of a school district or attendance center within such school district by limiting, transferring, redirecting or stopping the expenditure of funds appropriated by law, except as provided by law."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*"Explanatory statement.* The purpose of this amendment is to clarify that except as provided by law, the locally elected board of a school district shall be the only governmental entity that may close schools and the executive branch, judicial branch, state board of education or any constitutional officer of the executive department shall not have the authority to effectuate the closure of a school by limiting, transferring, redirecting or stopping the expenditure of funds appropriated by law.

"A vote for this proposition would clarify that except as provided by law, the locally elected board of education of a school district shall be the only governmental entity that may close schools.

"A vote against this proposition would provide no change to the Kansas constitution."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2022, unless a special election is called at a sooner date by concurrent resolution of

the legislature, in which case it shall be submitted to the electors of the state at the special election.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 137**.

Education: **SB 139**.

Financial Institutions and Insurance: **SB 135**.

Judiciary: **SB 136**.

Public Health and Welfare: **SB 138**.

Ways and Means: **SB 134**.

### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2029, Sub HB 2049, HB 2071, HB 2077, HB 2079, HB 2082, HB 2090**.

### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2029, Sub HB 2049, HB 2071, HB 2077, HB 2079, HB 2082, HB 2090** were thereupon introduced and read by title.

### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator McGinn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1708—

A RESOLUTION recognizing February 5, 2021, as National Wear Red Day and the importance of the ongoing fight against heart disease and stroke among women.

WHEREAS, Cardiovascular diseases are the number one killer of women in the United States; and

WHEREAS, Cardiovascular diseases kill one woman almost every 80 seconds in the United States; and

WHEREAS, Heart disease and stroke can adversely affect all women at any age; and

WHEREAS, Heart attacks are on the rise among women across younger age groups; and

WHEREAS, Younger women are less likely than older women to be aware of the warning signs of heart attacks and strokes; and

WHEREAS, Cardiovascular diseases kill 1 in 3 women, despite the fact that about 80% of cardiac events can be prevented through education and lifestyle changes; and

WHEREAS, All women are encouraged to move more, eat smart and manage their blood pressure to reduce their risk of cardiovascular diseases; and

WHEREAS, The Go Red for Women movement of the American Heart Association motivates women to learn about their family history and to meet with a healthcare provider to determine their risk for cardiovascular diseases and stroke; and

WHEREAS, As a trusted, passionate and relevant force in eradicating heart disease and stroke in women, the American Heart Association's Go Red for Women movement remains steadfast and committed to meeting the comprehensive health needs of women at every stage of life; and

WHEREAS, By increasing awareness and empowering women to reduce their risk for cardiovascular diseases, we can save thousands of lives each year: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize February 5, 2021, as National Wear Red Day and urge all citizens to show their support of the ongoing fight against heart disease and stroke among women by wearing the color red; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator McGinn.

On emergency motion of Senator McGinn **SR 1708** was adopted by voice vote,

On motion of Senator Suellentrop, the Senate recessed until the sound of the gavel.

### COMMITTEE OF THE WHOLE

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

On motion of Senator Baumgardner the following report was adopted:

**SB 24, SB 38.**

Amendments offered by Senators Francisco and Hawk on **SB 24** failed.

**SB 40** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**SB 40** be further amended by motion of Senator Kerschen; on page 1, in line 23, by striking "75-5,128" and inserting "74-5,128";

On page 21, in line 16, by striking "75-5,128" and inserting "74-5,128"; and **SB 40** be passed as further amended.

**SR 1707** be adopted.

The following amendment, submitted by Senator Holland on **SR 1707** was ruled not germane:

MR. PRESIDENT: I move to amend **SR 1707**, on page 1, by striking all in lines 5 through 36;

On page 2, by striking all in lines 1 through 11; in line 12, by striking all before the period and inserting:

"WHEREAS, On January 6, 2021, a mob of armed insurrectionists stormed the United States Capitol in Washington, D.C. in a violent attempt to overturn the will of American voters and the election of Joe Biden as the 46<sup>th</sup> President of the United States of America and Kamala Harris as the 49<sup>th</sup> Vice President of the United States; and

WHEREAS, An attack on the United States Capitol has not occurred since 1814 when British troops fired upon and burned federal buildings in Washington, D.C.—including the White House and the Capitol during the War of 1812; and

WHEREAS, Kansas Attorney General Derek Schmidt has consistently supported efforts to disenfranchise thousands of Kansas voters, defending Kris Kobach's voter ID law that was found unconstitutional by the United States District Court, a ruling upheld by the 10<sup>th</sup> United States Circuit Court of Appeals and the Supreme Court of the United States; and

WHEREAS, Kansas Attorney General Derek Schmidt signed on to the frivolous lawsuit brought by Texas Attorney General Ken Paxton to overturn the free and fair election of Joe Biden as the 46<sup>th</sup> President of the United States of America and Kamala Harris as the 49<sup>th</sup> Vice President of the United States, seeking to disenfranchise millions of voters in the states of Georgia, Pennsylvania, Michigan and Wisconsin and sow doubt in the 2020 presidential election, a baseless lawsuit rejected by the Supreme Court of the United States; and

WHEREAS, Kansas Attorney General Derek Schmidt is a standing member of the Republican Attorneys General Association and a recent board member of its dark money affiliate Rule of Law Defense Fund (RLDF), which federal authorities have confirmed was responsible for paid phone calls inciting people to "march" on the United States Capitol on January 6, 2021; and

WHEREAS, Kansas Attorney General Derek Schmidt is the top law enforcement officer in the State of Kansas, and his actions to advance unfounded conspiracy theories, foment doubt in a free and fair election and disenfranchise millions of legitimate voters precipitated the violent assault on American democracy resulting in the death of five U.S. citizens, including Brian D. Sicknick, a federal law enforcement officer:

Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we condemn the actions of Kansas Attorney General Derek Schmidt to suppress the rights of thousands of Kansas citizens, and millions of legitimate voters in the United States, to have a voice in their democracy and seed doubt in the free and fair election of Joe Biden as the 46<sup>th</sup> President of the United States. Actions that incited a deadly, seditious attempt to overthrow the seat of American democracy and the Constitution he solemnly swore to protect";

On page 1, in the title, in line 1, by striking all after "RESOLUTION"; by striking line 2; in line 3, by striking all before the period and inserting "condemning the actions of Kansas Attorney General Derek Schmidt to suppress the rights of legitimate voters in a free and fair election that incited an attempt to overthrow American democracy".

A ruling of the chair was requested as to the germaneness of the amendment.

The Chair of the Rules Committee ruled the amendment not germane.

Senator Holland challenged the ruling of the chair.

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

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

Yeas: Baumgardner, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Present and Passing: Doll.

Absent or Not Voting: Alley, Estes, Pyle.

The ruling was sustained.

**SB 30** be passed over and retain a place on the calendar.

**FINAL ACTION ON CONSENT CALENDAR**

**SB 1, SB 16, SB 39** and **SB 53** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**SB 1**, AN ACT concerning the Kansas state fair; relating to the use of the state fair capital improvements fund; amending K.S.A. 2020 Supp. 2-223 and repealing the existing section.

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

Yeas: Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Alley, Estes, Pettey.

The bill passed.

**SB 16**, AN ACT concerning the legislative division of post audit; removing the requirement to submit certain documents thereto; amending K.S.A. 22-4514a, 75-3728c, 76-721 and 79-3233b and repealing the existing sections.

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

Yeas: Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Alley, Estes, Pettey.

The bill passed.

**SB 39**, AN ACT concerning agriculture; relating to the Kansas department of agriculture; the division of animal health; license, permit and registration renewal deadlines; calfhood vaccination tag fees; amending K.S.A. 47-1208 and K.S.A. 2020 Supp. 47-1001e, 47-1002, 47-1503, 47-1805, 47-1831 and 47-2101 and repealing the existing sections.

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

Yeas: Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Hilderbrand.

Absent or Not Voting: Alley, Estes, Pettey.

The bill passed.

**SB 53**, AN ACT concerning charter commissions; establishing the membership of the Sedgwick county charter commission.

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

Yeas: Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Alley, Estes, Pettey.

The bill passed.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Suellentrop an emergency was declared by a 2/3 constitutional majority, and **SB 24**, **SB 38**, **SB 40**, **SR 1707** were advanced to Final Action and roll call.

**SB 24**, AN ACT concerning municipalities; prohibiting any requirements that impact a customer's use of energy; relating to natural gas utility service; creating the Kansas energy choice act.

On roll call, the vote was: Yeas 27; Nays 10; Present and Passing 0; Absent or Not Voting 3.

Yeas: Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pittman, Sykes, Ware.

Absent or Not Voting: Alley, Estes, Pettey.

The bill passed, as amended.

### EXPLANATION OF VOTE

Mr. President: I vote "NO" on **SB 24**. I understand the concerns; I sympathize with many of them. But this bill creates limits that would prevent our municipalities from adopting or enforcing those building codes that specifically relate to safety requirements that are restrictions only imposed on natural gas service. Those codes, especially the International Fuel Gas Code, are relied on by those municipalities as they work to protect the public health and safety of their residents. There should be a way to allow energy choice without unreasonably limiting the reasonable actions of a municipality.—

MARCI FRANCISCO

**SB 38**, AN ACT concerning agriculture; relating to environmental remediation; establishing the Kansas pesticide waste disposal program and the Kansas pesticide waste disposal fund; permitting annual transfers from the Kansas agricultural remediation fund to the Kansas pesticide waste disposal fund; amending K.S.A. 2-3702 and K.S.A. 2020 Supp. 2-3708 and repealing the existing sections.

On roll call, the vote was: Yeas 35; Nays 2; Present and Passing 0; Absent or Not Voting 3.

Yeas: Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Tyson, Ware, Warren, Wilborn.

Nays: Hilderbrand, Thompson.

Absent or Not Voting: Alley, Estes, Pettey.

The bill passed, as amended.

**SB 40**, AN ACT concerning agriculture; relating to the Kansas department of agriculture division of conservation; implementing the provisions of 2011 executive reorganization order No. 40; amending K.S.A. 2-1916, 49-605, 49-611, 49-613, 49-618, 49-620, 49-623, 82a-1602, 82a-1603, 82a-1607 and 82a-1702 and K.S.A. 2020 Supp. 2-1903, 2-1904, 2-1907, 2-1907c, 2-1908, 2-1915, 2-1930, 2-1931, 2-1933, 49-603, 49-606 and 49-621 and repealing the existing sections; also repealing K.S.A. 49-619.

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

Yeas: Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Alley, Estes, Pettey.

The bill passed, as amended.

**SR 1707**, A RESOLUTION recognizing the need for the Governor of Kansas to administer the COVID-19 vaccine to law-abiding Kansans before administering the vaccine to healthy incarcerated individuals.

On roll call, the vote was: Yeas 28; Nays 8; Present and Passing 1; Absent or Not Voting 3.

Yeas: Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Francisco, Haley, Hawk, Holland, Holscher, Sykes, Ware.

Present and Passing: Faust-Goudeau.

Absent or Not Voting: Alley, Estes, Pettey.

The resolution was adopted.

#### EXPLANATION OF VOTE

Mr. President: Dear Kansas Citizens: Your state senate Republican leadership has sadly let you down today. They have no solutions for addressing the COVID-19 pandemic in Kansas. So instead of working in a bi-partisan manner to constructively address this deadly virus that is ravaging the bodies and purse strings of the tens of thousands of afflicted Kansans in all regions across our state, they have instead chosen to take cheap political shots at our state officials who are at least trying to ease our citizens' pain and suffering. I vote "NO" on **SR 1707**.—TOM HOLLAND

#### REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 22** be amended on page 1, following line 10 by inserting:

"WHEREAS, The provisions of section 1 and the amendments made to K.S.A. 79-32,117, 79-32,120, 79-32,138 and 79-32,143a, pursuant to this act, shall be known and may be cited as the rebuilding employers and livelihoods while investing in everyone's

future (RELIEF) act.

Now, therefore:"

On page 5, in line 35, by striking "2019" and inserting "2020";

On page 10, in line 3, by striking "2019" and inserting "2020"; in line 7, by striking "2019" and inserting "2020"; in line 10, by striking "2019" and inserting "2020"; in line 37, by striking "2021" and inserting "2020"; in line 42, by striking "2021" and inserting "2020";

On page 12, in line 33, by striking "2019" and inserting "2020";

On page 13, in line 17, by striking "2019" and inserting "2020";

On page 14, in line 7, by striking all after the period; by striking all in lines 8 through 10; in line 11, by striking all before "For"; in line 12, by striking "2019" and inserting "2020"; in line 16, by striking "2019" and inserting "2020"; by striking all in lines 37 through 43;

By striking all on page 15;

On page 16, by striking all in lines 1 through 12;

On page 19, in line 27, by striking ", 79-32,143";

And by renumbering sections accordingly;

On page 1, in the title, in line 8, by striking all after the semicolon; in line 9, by striking "corporations;"; also in line 9, by striking all after "79-32,138"; in line 10, by striking "32,143"; and the bill be passed as amended.

Also, **SB 70** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Education** recommends **SB 61** be passed.

Committee on **Judiciary** recommends **SB 58** be passed.

Also, **SB 4**, **SB 56**, **SB 59** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **SB 36** be amended on page 4, in line 6, after "year" by inserting ", as reported to the Kansas department of revenue,";

On page 8, in line 35, by striking all after "treasurer"; by striking all in lines 36 and 37; in line 38, by striking all before the period;

On page 9, in line 17, by striking all after the second "the";

On page 10, in line 4, by striking all before "salvage"; in line 8, by striking "certificate of title, a"; and the bill be passed as amended.

Also, **SB 68**, **SB 69** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

## **CHANGE OF REFERENCE**

An objection having been made to **SB 70** appearing on the **Consent Calendar**, the President directed the bill be removed and placed on the calendar under the heading of **General Orders**.

On motion of Senator Suellentrop, the Senate adjourned Pro Forma until 8:30 a.m., February 5, 2021.

# Journal of the Senate

NINETEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, February 5, 2021, 2:30 p.m.

The Senate was called to order Pro Forma by Senator Bowers.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 159**, AN ACT concerning certain claims against the state; making appropriations; authorizing certain transfers; imposing certain restrictions and limitations; directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, by Joint Committee on Special Claims Against the State.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 142, SB 143.**

Assessment and Taxation: **SB 147, SB 148, SB 149.**

Education: **SB 144.**

Federal and State Affairs: **SB 156.**

Judiciary: **SB 141, SB 150, SB 151, SB 152; SCR 1607; HB 2029, HB 2071, HB 2077, HB 2082.**

Local Government: **SB 153; SCR 1606.**

Public Health and Welfare: **SB 155.**

Transparency and Ethics: **SB 157; Sub HB 2049; HB 2090.**

Transportation: **SB 146, SB 158.**

Ways and Means: **SB 140, SB 145, SB 154; HB 2079.**

## COMMUNICATIONS FROM STATE OFFICERS

The following reports were submitted to the Senate and are on file with the Secretary of the Senate:

Office of Rural Prosperity Annual Report 2020

Department of Commerce: Fiscal Year 2020 Promoting Employment Across Kansas (PEAK) Annual Report (February 1, 2021)

Department of Commerce: Fiscal Year 2020 Job Creation Program Fund (JCF) Annual Report (February 1, 2021)

Department of Commerce: Fiscal Year 2020 Rural Opportunities Zones Act (ROZ) Annual Report (February 1, 2021)

Department of Commerce: 2020 STAR Bonds Annual Report (February 1, 2021)

Department of Commerce: 2020 Annual Report

Office of the Attorney General: Attorney General's State Medicaid Fraud Forfeiture Fund Annual Report (February 1, 2021)

### **REPORT ON ENROLLED BILLS**

**SR 1707, SR 1708** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 5, 2021.

### **TRIBUTES**

Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of February 1 through February 5, 2021:

Senator Bowers: congratulating Gene Angel on 50 years in the accounting profession, congratulating Quinn Dewey on being named the United States Navy Junior Sailor of the Year, celebrating Josephine Hartman's 100th Birthday, celebrating Thelma Smith's 108th Birthday;

Senator Claeys: congratulating the Sacred Heart Debate Team on placing first and second at the state championship competition;

Senator Steffen: commending the Reno County Health Department on the successful launch of the Hutchinson Community COVID-19 Vaccination Site; and

Senator Ware: remembering the life of Bill Garrison.

On motion of Senator Suellentrop, the Senate adjourned Pro Forma until 2:30 p.m., February 8, 2021.

# Journal of the Senate

TWENTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, February 8, 2021, 2:30 p.m.

The Senate was called to order Pro Forma by Vice President Rick Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 160**, AN ACT concerning wildlife, parks and tourism; relating to the commercialization of wildlife; updating the reference to the guidelines of the American fisheries society; amending K.S.A. 2020 Supp. 32-1005 and repealing the existing section, by Committee on Agriculture and Natural Resources.

**SB 161**, AN ACT concerning personal package delivery devices; definitions; operating requirements and restrictions; exemption from motor vehicle requirements; limitation of local regulation; amending K.S.A. 2020 Supp. 8-126 and repealing the existing section, by Committee on Commerce.

**SB 162**, AN ACT concerning employment security law; relating to the employment security board of review; emergency expansion, sunset; amending K.S.A. 2020 Supp. 44-709 and repealing the existing section, by Committee on Commerce.

**SB 163**, AN ACT concerning employment security law; relating to disqualification for benefits; disqualification begin dates; recovery from illness or injury; part-time employment for an educational institution; amending K.S.A. 2020 Supp. 44-706 and repealing the existing section, by Committee on Commerce.

**SB 164**, AN ACT concerning workers compensation; relating to an employer's maximum liability for permanent total disability compensation; removing the statutory monetary cap on such liability; extending liability for the lifetime of the employee; amending K.S.A. 2020 Supp. 44-510f and repealing the existing section, by Senator Holland.

**SB 165**, AN ACT concerning elections; relating to election commissioners; eliminating the residency requirement; amending K.S.A. 19-3419 and repealing the existing section, by Senator Corson.

**SB 166**, AN ACT concerning elections; relating to advance voting ballots; authorizing transmittal of such ballots up to 40 days prior to an election; amending K.S.A. 2020 Supp. 25-1123 and repealing the existing section, by Senator Corson.

**SB 167**, AN ACT concerning motor vehicles; relating to authorized emergency vehicles; permitting certain public utility motor vehicles to be authorized emergency vehicles without a designation by county commissioners; amending K.S.A. 2020 Supp. 8-1404 and 8-2010 and repealing the existing sections, by Senator Corson.

**SB 168**, AN ACT concerning health professions and practices; relating to the board of pharmacy; prescription monitoring program act; pertaining to persons permitted to receive program data; data security; user and delegate access; increasing the number of members of the prescription monitoring program advisory committee; providing for initial setup and annual maintenance fees to be charged for program data integration into any other electronic health or pharmacy record system approved by the board; amending K.S.A. 65-1682, 65-1683, 65-1684, 65-1685, 65-1687 and 65-1689 and repealing the existing sections, by Committee on Ways and Means.

**SB 169**, AN ACT concerning firearms; relating to the personal and family protection act; authorizing the legislative coordinating council to prohibit the carrying of concealed handguns in the state capitol; amending K.S.A. 46-1202, 75-7c21 and 75-3765a and K.S.A. 2020 Supp. 21-6309 and repealing the existing sections, by Committee on Ways and Means.

**SB 170**, AN ACT concerning public health; relating to the department of health and environment, division of public health; powers, duties and functions of the advisory committee on trauma and the statewide trauma system regional council; continuing in existence the authority to conduct closed session meetings and keep records privileged; amending K.S.A. 75-5664 and 75-5665 and repealing the existing sections, by Committee on Ways and Means.

**SB 171**, AN ACT concerning sales and compensating use tax; relating to the adjusted rate of tax imposed on sales of food and food ingredients; amending K.S.A. 79-3602, 79-3620 and 79-3710 and K.S.A. 2020 Supp. 79-3603 and 79-3703 and repealing the existing sections, by Committee on Ways and Means.

**SB 172**, AN ACT concerning crimes, punishment and criminal procedure; creating the crimes of trespassing on a critical infrastructure facility and criminal damage to a critical infrastructure facility; eliminating the crime of tampering with a pipeline; amending K.S.A. 2020 Supp. 21-5818 and 21-6328 and repealing the existing sections, by Committee on Utilities.

**SB 173**, AN ACT concerning school districts; relating to the Kansas school equity and enhancement act; requiring school districts to make certain transfers to at-risk education funds; authorizing certain expenditures from at-risk education funds; extending the high-density at-risk student weighting; providing requirements for identification of students eligible to receive at-risk programs and services; requiring a performance audit for at-risk education; amending K.S.A. 72-5151 and K.S.A. 2020 Supp. 72-5131, 72-5153 and 72-5173 and repealing the existing sections, by Committee on Education.

**SB 174**, AN ACT concerning advanced practice registered nurses; relating to the board of nursing; definition of practice; prescribing authority; licensure requirements; rules and regulations; amending K.S.A. 65-1130 and K.S.A. 2020 Supp. 40-3401, 65-1113 and 65-4101 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 175**, AN ACT concerning health and healthcare; relating to hospitals and healthcare-related facilities; establishing rural emergency hospitals as a rural healthcare licensure category; requirements for licensure; enacting the rural emergency hospital act; amending K.S.A. 65-425 and 65-431 and repealing the existing sections, by Committee on Public Health and Welfare.

## SENATE CONCURRENT RESOLUTION No. 1608—

By Committee on Judiciary

A PROPOSITION to amend section 3 of the bill of rights of the constitution of the state of Kansas, relating to the right to petition the government for the redress of grievances, including by citizen-initiated grand jury.

WHEREAS, This proposition to amend the bill of rights of the constitution of the state of Kansas shall be known and may be cited as the We The People Amendment.

Now, therefore:

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 3 of the bill of rights of the constitution of the state of Kansas is hereby amended to read as follows:

**"§ 3. Right of peaceable assembly; petition.** The people have the right to assemble, in a peaceable manner, to consult for their common good, to instruct their representatives, and to petition the government, or any department thereof, for the redress of grievances, *including by citizen-initiated grand jury.*"

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*"Explanatory statement.* The We The People Amendment would place the right to citizen-initiated grand juries in the bill of rights of the constitution of the state of Kansas with the right to petition the government for the redress of grievances.

"A vote for the We The People Amendment would amend the bill of rights of the constitution of the state of Kansas to include citizen-initiated grand juries in the right to petition the government for the redress of grievances.

"A vote against the We The People Amendment would not add citizen-initiated grand juries to the bill of rights of the constitution of the state of Kansas and would leave the current law concerning citizen-initiated grand juries in the Kansas statutes."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2022, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was referred to Committee as indicated:

Ways and Means: **SB 159**.

**REPORTS OF STANDING COMMITTEES**

Committee on **Commerce** recommends **SB 65**, **SB 66** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Local Government** recommends **SB 52** be amended on page 1, in line 5, by striking "5" and inserting "6"; in line 6, after "nuisance" by inserting "abatement";

On page 2, in line 1, by striking all after "owner"; in line 2, by striking all before "by"; also in line 2, after "service" by inserting "in accordance with K.S.A. 60-303, and amendments thereto"; also in line 2, by striking all after the period; by striking all in lines 3 through 5; in line 6, by striking "or agent of the owner"; in line 17, by striking "or agent of the owner"; in line 23, by striking "or agent of the owner"; following line 42, by inserting:

"(g) All orders and notices shall be served on the owner of record or, if there is more than one owner of record, then on at least one such owner.

(h) Any decision of the board of county commissioners or its designated representative is subject to review in accordance with the Kansas judicial review act.";

On page 3, in line 20, after "nuisance" by inserting "abatement"; in line 22, after "for" by inserting "an"; also in line 22, by striking "purposes" and inserting "activity. For purposes of this section, the term "agricultural activity" means the same as defined in K.S.A. 2-3203, and amendments thereto, except such term shall also include real and personal property, machinery, equipment, stored grain and agricultural input products owned or maintained by commercial grain elevators and agribusiness facilities"; following line 22, by inserting:

"Sec. 6. The Sedgwick county urban area nuisance abatement act, sections 1 through 6, and amendments thereto, shall expire on July 1, 2024.";

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

Committee on **Transportation** recommends **SB 25** be amended on page 1, in line 18, by striking "or"; in line 19, after "(2)" by inserting "a person operating a motor vehicle while such vehicle is lawfully parked; or

(3)";

Also on page 1, in line 35, by striking the comma and inserting":

(1)";

On page 2, following line 3, by inserting:

"(2) "Mobile telephone" does not include a commercial two-way radio communication device or its functional equivalent, subscription-based emergency communication device, prescribed medical device, amateur or ham radio device or remote diagnostics system.";

Also on page 2, in line 4, after "(g)" by inserting "A law enforcement officer shall issue a warning citation to anyone violating the provisions of subsections (a) or (b). The provisions of this subsection shall expire and have no effect on and after January 1, 2022.

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

**CHANGE OF REFERENCE**

An objection having been made to **SB 66** appearing on the **Consent Calendar**, the Vice President directed the bill be removed and placed on the calendar under the heading of **General Orders**.

On motion of Senator Suellentrop, the Senate adjourned until 2:30 p.m., Tuesday, February 9, 2021.

# Journal of the Senate

TWENTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, February 9, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.  
The roll was called with 39 Senators present.  
Senator Estes was excused.  
Invocation by Reverend Cecil T. Washington:

Escaping The Spider's World Wide Web!  
Proverbs 14:34, Psalm 33:11-12

Heavenly Father, dating back into the mid 1800's, and coming forward, the wisdom shared by many, including some former U.S. Presidents, is that "America is great because she is good, and if she ever ceases to be good, she'll cease to be great." It has been said Lord, that our nation will be defeated without a shot being fired; that our defeat will come from us allowing, even inviting, the enemy to gradually and increasingly come through our doors.

Today, and on the second Tuesday of every February, 130 plus countries are recognizing "Safer Internet Day." Lord, we are being bombarded by a spirit that is denying You. The web, the world wide web, has pushed open our doors. And all kinds of unrighteousness has been slowly creeping in. And like the web of a spider holds its victims until they're consumed, the world wide web has its hold on Your people.

Lord, Your holy standards of righteousness are being ignored and we are being consumed. Proverbs 14:34 says, Godliness is what makes a nation great, while ungodliness brings disgrace. And Psalm 33:11 says, advice coming from You stands forever; that the purposes of Your loving heart continue to all generations.

So, Lord, give each of us the courage to stand strong for righteousness! Help us to make every day "Safer Internet Day." Help us to be good! I pray in Jesus Name, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 176**, AN ACT concerning home inspectors; enacting the Kansas home inspectors professional competency and financial responsibility act; creating a home inspector registry; establishing the home inspectors registration fee fund, by Committee on Commerce.

**SB 177**, AN ACT concerning employment security; creating the unemployment

compensation modernization and improvement council; providing for development of a new unemployment insurance information technology system; claimant tax information; website publication of trust fund data; maximum benefit period; charging of employer accounts for benefits paid; employer contribution rate determination and schedules; abolishing the employment security interest assessment fund; crediting employer accounts for fraudulent or erroneous payments; transferring moneys from the state general fund to the unemployment insurance trust fund for improper benefit payments; services performed by petroleum landmen; lessor employment unit employee leasing restrictions; relating to other unemployment trust fund provisions; shared work compensation program; amending K.S.A. 44-758 and K.S.A. 2020 Supp. 44-703, 44-704, 44-710, 44-710a, 44-710b and 44-757 and repealing the existing sections, by Committee on Commerce.

**SB 178**, AN ACT concerning financial institutions; relating to the state banking code; trust companies; providing for charter conversions; amending K.S.A. 2020 Supp. 9-803, 9-808, 9-809 and 9-1717 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 179**, AN ACT concerning days of commemoration; designating February 15 of each year as Susan B. Anthony Day in the state of Kansas, by Senator Pittman.

**SB 180**, AN ACT concerning sales taxation; relating to exemptions; providing an exemption for certain purchases by disabled veterans of the armed forces of the United States, by Senators Peck, Bowers, Corson, Hilderbrand, Kloos, McGinn, Pittman, Steffen and Thompson.

**SB 181**, AN ACT creating the elevator safety act; relating to safety standards for elevators; licensure requirements for elevator inspection, installation and repair, duties of the state fire marshal; establishing the elevator safety fee fund, by Committee on Federal and State Affairs.

**SB 182**, AN ACT concerning campaign finance; requiring electronic filing of reports for state offices; amending K.S.A. 2020 Supp. 25-4148 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 183**, AN ACT concerning elections; relating to campaign finance; terminating a campaign; requiring disposition of equipment or personal property; amending K.S.A. 2020 Supp. 25-4157a and repealing the existing section, by Committee on Federal and State Affairs.

**SB 184**, AN ACT concerning elections; relating to advance voting ballots; authorizing permanent advance voting status for any registered voter; amending K.S.A. 2020 Supp. 25-1122 and 25-1122d and repealing the existing sections, by Senator Corson.

**SB 185**, AN ACT concerning the Kansas department for children and families; relating to the Kansas commission for the deaf and hard of hearing; authorizing such commission to adopt rules and regulations for interpreters and interpreter services; establishing a sign language interpreter registration process and fees relating thereto; providing guidelines for communication access services; amending K.S.A. 75-4355a, 75-4355b, 75-5391, 75-5393 and 75-5397a and repealing the existing sections, by Committee on Education.

**SB 186**, AN ACT concerning transportation; relating to the secretary of transportation; permitting the secretary of transportation to contract with the Kansas turnpike authority to enforce toll payments; permitting the secretary of transportation to

use tolls to support public transit and other improvements on a toll project; amending K.S.A. 2020 Supp. 68-20,120 and repealing the existing section, by Committee on Transportation.

**SB 187**, AN ACT concerning consumer protection; relating to terms of service for social media websites; prohibiting censorship of certain speech made via such websites, by Senator Steffen.

**SB 188**, AN ACT concerning elections; enacting the interstate compact on the agreement among the states to elect the president by national popular vote; amending K.S.A. 25-802 and 25-804 and repealing the existing sections, by Senator Haley.

**SB 189**, AN ACT concerning workers compensation; relating to use of the fourth edition of the AMA medical guides for the determination of impairment; amending K.S.A. 2020 Supp. 44-510d and 44-510e and repealing the existing sections, by Senator Holland.

**SB 190**, AN ACT concerning crimes, punishment and criminal procedure; relating to firearms, possession thereof; reducing the underlying felonies for the crime of criminal possession of a weapon by a convicted felon; restoration of right to possess firearms upon expungement of conviction; amending K.S.A. 2020 Supp. 21-6304 and 21-6614 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 191**, AN ACT concerning elections; relating to election commissioners; providing for appointment by the board of county commissioners; amending K.S.A. 19-3419 and 19-3422 and repealing the existing sections, by Committee on Transparency and Ethics.

**SB 192**, AN ACT concerning firearms; relating to certain protection orders; requiring relinquishment of firearms pursuant to such orders; criminal penalties; amending K.S.A. 2020 Supp. 22-3426, 60-3107 and 60-31a06 and repealing the existing sections, by Senators Sykes, Corson, Faust-Goudeau, Francisco, Hawk, Holscher, Pettey and Ware.

**SB 193**, AN ACT concerning workers compensation; expanding the definition of personal injury to include certain mental injuries arising from physical injury, emotional shock or a series of work-related events; amending K.S.A. 2020 Supp. 44-508 and repealing the existing section, by Senator Holland.

**SB 194**, AN ACT concerning employment security law; relating to lessor employment units and lessee clients; restrictions on leasing certain employees; amending K.S.A. 44-758 and repealing the existing section, by Committee on Commerce.

**SB 195**, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal discharge of a firearm; increasing the penalty for violations when a person was present in the dwelling, building, structure or motor vehicle at which the offender discharged a firearm and when a person less than 14 years of age was present in the dwelling, building, structure or motor vehicle at which the offender discharged a firearm; amending K.S.A. 2020 Supp. 21-6308 and 21-6804 and repealing the existing sections, by Senator Haley.

**SB 196**, AN ACT concerning criminal procedure; relating to restitution; requiring support when offense resulted in the incapacitation or death of a victim who has a minor child or children; amending K.S.A. 2020 Supp. 22-3424 and repealing the existing section, by Senator Haley.

**SB 197**, AN ACT concerning law enforcement; relating to racial profiling or other biased policing; requiring data collection and reporting thereon; amending K.S.A. 2020 Supp. 22-4606, 22-4610, 22-4611 and 22-4611a and repealing the existing sections, by

Senator Haley.

**SB 198**, AN ACT concerning law enforcement; enacting the police and citizen protection act; relating to use of body cameras by law enforcement officers; disclosure of recordings under the open records act; amending K.S.A. 2020 Supp. 45-254 and repealing the existing section, by Senator Haley.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 160**.

Assessment and Taxation: **SB 171**.

Commerce: **SB 161, SB 162, SB 163, SB 164**.

Education: **SB 173**.

Federal and State Affairs: **SB 165, SB 166, SB 169**.

Judiciary: **SCR 1608**.

Public Health and Welfare: **SB 168, SB 170, SB 174, SB 175**.

Transportation: **SB 167**.

Utilities: **SB 172**.

#### MESSAGES FROM THE GOVERNOR

November 4, 2020

*To The Senate of the State of Kansas*

Submitted herewith for confirmation by the Senate is an appointment made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*Appraiser, Kansas Board of Tax Appeals*: Robert E. Marx (R), Fairway, pursuant to the authority vested in me by K.S.A. 74-2433 and effective upon the date of confirmation by the Senate, to serve a four-year term, to succeed Devin Sprecker.

On motion of Senator Suellentrop, the Senate recessed until the sound of the gavel.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Longbine the following report was adopted:

**SB 58, SB 70** be passed.

**SB 32, SB 36** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**SB 22** be amended by the adoption of the committee amendments, be further by motion of Senator Tyson: on page 1, in line 21, after the first "compensation" by inserting "or any other type of compensation";

Also on page 1, in the title, in line 7, after "unemployment" by inserting "or other".

**SB 22** be further amended by motion of Senator Tyson: on page 1, following line 25, by inserting:

"The department of revenue shall provide a method for any taxpayer subject to the Kansas income tax act to report to the department of revenue whether such taxpayer was a victim of fraud due to identity theft and whether such fraud resulted in the reporting of any income to the federal internal revenue service. The report shall include, but not be limited to, the amount of the income reported to the federal internal revenue service due to fraud, if known."

**SB 22** be further amended by motion of Senator Tyson: on page 19, in line 36, by striking "statute book" and inserting "Kansas register".

A motion to further amend **SB 22** was made by Senator Pyle: on page 5, in line 42, by striking "2020" and inserting "2019";

On page 8, in line 26, by striking all after "(xviii)"; by striking all in lines 27 through 30; in line 31, by striking all before "For" and inserting "(1)"; also in line 31, after "2007," by inserting "and ending before January 1, 2021,,"; in line 36, after "jointly" by inserting "; and

(2) for all taxable years beginning after December 31, 2020, amounts received as benefits under the federal social security act that are included in federal adjusted gross income of a taxpayer";

On page 10, in line 10, by striking "2020" and inserting "2019"; in line 14, by striking "2020" and inserting "2019"; in line 17, by striking "2020" and inserting "2019"; following line 28, by inserting:

"(xxx) For all taxable years beginning after December 31, 2020, amounts received by retired individuals under employer-sponsored qualified or nonqualified retirement plans, including plans created by self-employed individuals, to the extent included in federal adjusted gross income.";

On page 12, in line 39, by striking "2020" and inserting "2019";

On page 13, in line 24, by striking "2020" and inserting "2019";

On page 14, in line 18, by striking "2020" and inserting "2019"; in line 22, by striking "2020" and inserting "2019";

On page 1, in the title, in line 4, by striking the first "and" and inserting a comma; also in line 4, after "expenses" by inserting ", social security benefits and amounts received from employer-sponsored retirement plans".

Senator Pyle, citing in accordance with Senate Rule 27, requested the question be divided into 3 parts as follows:

The first part contains the provisions of the amendment which relate to the subtraction modification for social security benefits and is contained in K.S.A. 79-32,117(c)(xviii) of section 2 of the bill.

The second part contains the provisions of the amendment which relate to the subtraction modification for income received from retirement plans and is contained in the new subsection (c)(xxx) for K.S.A. 79-32,117 which is provided for in section 2 of the bill.

The third part contains the balance of the provisions of the amendment which relate to tax year changes.

And by adjusting the repealer and title accordingly.

Upon the showing of five hands, a roll call vote was requested for Part 1.

On roll call, the vote was: Yeas 36; Nays 1; Present and Passing 1; Absent or Not Voting 2.

Yeas: Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Alley.

Present and Passing: Baumgardner.

Absent or Not Voting: Billinger, Estes.

Part 1 was adopted.

Upon the showing of five hands, a roll call vote was requested for Part 2.

On roll call, the vote was: Yeas 29; Nays 0; Present and Passing 8; Absent or Not Voting 3.

Yeas: Bowers, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Steffen, Straub, Thompson, Tyson, Ware, Warren, Wilborn.

Present and Passing: Alley, Baumgardner, Claeys, Erickson, Francisco, McGinn, Pettey, Sykes.

Absent or Not Voting: Billinger, Estes, Suellentrop.

Part 2 was adopted.

#### EXPLANATION OF VOTE

Mr. Chairman: I "PASS" on the motion for this amendment to **SB 22**. Before we take such action, I would like the Senate Assessment and Tax Committee to advise the body on whether qualified and nonqualified retirement plans should be treated in the same way since qualified plans use tax-deferred contributions from the employee while non-qualified plans use after-tax dollars. I would also like the committee to consider this in relation to the other exceptions for retirement plans and pensions that are currently allowed.—MARCI FRANCISCO

Upon the showing of five hands, a roll call vote was requested for Part 3.

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

Yeas: Pyle.

Nays: Alley, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, McGinn, Pettey, Pittman, Sykes, Tyson, Ware.

Present and Passing: Baumgardner, Erickson, Hilderbrand, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Steffen, Straub, Suellentrop, Thompson, Warren, Wilborn.

Absent or Not Voting: Billinger, Estes.

Part 3 was rejected.

A motion to further amend **SB 22** was made by Senator Sykes: on page 1, by striking all in lines 12 through 16; by striking all in lines 26 through 36;

By striking all on pages 2 through 18;

On page 19, by striking all in lines 1 through 32; following line 32, by inserting:

"New Sec. 2. The provisions of sections 2 through 11, and amendments thereto, shall be part of and supplemental to the Kansas retailers' sales tax act.

New Sec. 3. As used in this act:

(a) "Act" means sections 2 through 11, and amendments thereto.

(b) "Affiliated person" means a person that, with respect to another person: (1) Has an ownership interest of more than 5%, whether direct or indirect, in the other person; or (2) is related to the other person because a third person, or group of third persons who are affiliated persons with respect to each other, holds an ownership interest of more than 5%, whether direct or indirect, in the related persons.

(c) "Cumulative gross receipts" means gross receipts as defined in K.S.A. 79-3602, and amendments thereto, and includes the gross receipts received by the marketplace facilitator from its own direct sales combined with the gross receipts received from sales it facilitates for sellers or marketplace sellers.

(d) "Department" means the Kansas department of revenue.

(e) (1) "Marketplace facilitator" means a person that, pursuant to an agreement with a marketplace seller, facilitates sales by such marketplace seller through a physical or electronic marketplace operated by the person, and:

(A) Engages directly or indirectly, through one or more affiliated persons in any of the following:

(i) Transmitting or otherwise communicating the offer or acceptance between a buyer and marketplace seller;

(ii) owning or operating the infrastructure, electronic or physical, or technology that brings buyers and marketplace sellers together;

(iii) providing a virtual currency that buyers are allowed or required to use to purchase products from the marketplace seller; or

(iv) software development or research and development activities related to any of the activities described in this subsection, if such activities are directly related to a physical or electronic marketplace operated by the person or an affiliated person; and

(B) engages in any of the following activities with respect to the marketplace seller's products:

(i) Payment processing services;

(ii) fulfillment, delivery or storage services;

(iii) listing products for sale;

(iv) setting prices;

(v) branding sales as those of the marketplace facilitator;

(vi) order taking;

(vii) advertising or promotion; or

(viii) providing customer service or accepting or assisting with returns or exchanges.

(2) A "marketplace facilitator" does not include a person who:

(A) Provides internet advertising services, including listing products for sale, so long as the person does not also engage in any of the activities described in subsection (e)(1)(A) in addition to any of the activities described in subsection (e)(1)(B); or

(B) with respect to rental of rooms, lodgings, accommodations, homes, apartments, cabins, residential dwelling units or hotel rooms in a hotel, as defined in K.S.A. 36-501, and amendments thereto, operates a marketplace or a portion of a marketplace that enables consumers to rent rooms, lodgings, accommodations, homes, apartments, cabins, residential dwelling units or hotel rooms in a hotel, as defined in K.S.A. 36-501, and amendments thereto, or acts as an accommodation broker as defined in K.S.A. 12-1692, and amendments thereto.

(3) The exclusion in subsection (e)(2)(B) does not apply to a marketplace facilitator or that portion of a marketplace facilitator that facilitates the sale of the rental of rooms, lodgings, accommodations, homes, apartments, cabins, residential dwelling units or hotel rooms in hotels, as defined in K.S.A. 36-501, and amendments thereto, or acts as an accommodation broker as defined in K.S.A. 12-1692, and amendments thereto, who also engages in any of the activities described in subsection (e)(1)(A) in addition to any of the activities described in subsection (e)(1)(B).

(f) "Marketplace seller" means a seller that makes retail sales through any physical or electronic marketplaces operated by a marketplace facilitator regardless of whether the seller is required to be registered with the department.

(g) "Platform" means an electronic or physical medium, including a website or catalog, operated by a referrer.

(h) "Referral" means the transfer by a referrer of a potential customer to a seller or marketplace seller that advertises or lists products for sale on the referrer's platform.

(i) (1) "Referrer" means a person, other than a person engaging in the business of printing a newspaper or publishing a newspaper, who contracts or otherwise agrees with a seller or marketplace seller to list or advertise for sale one or more items in any medium, including a website or catalog; receives a commission, fee or other consideration from the seller for the listing or advertisement; transfers, via telephone, internet link, or other means, a purchaser to a seller, marketplace seller or an affiliated person to complete the sale; and does not collect receipts from the purchasers for the transaction.

(2) "Referrer" does not include a person that:

(A) Provides internet advertising services; and

(B) does not ever provide either the seller's or marketplace seller's shipping terms or advertise whether the seller or marketplace seller charges sales tax.

(j) "Sale" or "sales" means the same as defined in K.S.A. 79-3602(kk), and amendments thereto, whether or not such sales qualify for a sales tax exemption.

(k) "Seller" means the same as defined in K.S.A. 79-3602(mm), and amendments thereto, and includes marketplace facilitators, whether making sales in the seller's own right or on behalf of marketplace sellers.

(l) "Tax" means the sales tax imposed under K.S.A. 79-3603, and amendments thereto, or the use tax imposed under K.S.A. 79-3703, and amendments thereto.

(m) "Transaction" means a sale of tangible personal property or a service by a marketplace seller including, but not limited to, all such marketplace seller's transactions for tangible personal property or a service, however consummated, including transactions completed on a website operated by: (1) The marketplace seller; (2) an affiliated person; or (3) a contract party, including a marketplace facilitator.

(n) As used in this act, the words and phrases set out in K.S.A. 79-3602, and amendments thereto, shall have the means respectively ascribed to them unless the

context requires a different meaning.

New Sec. 4. (a) On and after July 1, 2021, any marketplace facilitator that meets the criteria in subsection (b) or that has a physical presence in this state, must collect and remit retail sales or use tax on all taxable retail sales made or facilitated by the marketplace facilitator into this state pursuant to this act. Marketplace facilitators must begin collecting state and local retail sales or use taxes on taxable retail sales made or facilitated by the marketplace facilitator sourced to this state beginning on the first day of the next calendar month that is at least 30 days from the date that the marketplace facilitator met the threshold described in subsection (b).

(b) A marketplace facilitator is subject to subsection (a) if:

(1) (A) For the period beginning on January 1, 2021, through June 30, 2021, the marketplace facilitator had cumulative gross receipts from retail sales sourced to this state; or

(B) during the current or immediately preceding calendar year, the marketplace facilitator had cumulative gross receipts from retail sales sourced to this state.

(2) (A) For any marketplace facilitator who satisfies the provisions of subsection (b)(1)(A), such retailer shall not be required to collect and remit any taxes from sales occurring prior to July 1, 2021.

(B) For any marketplace facilitator who satisfies the provisions of subsection (b)(1)(B) for sales in the current calendar year for the first time, such marketplace facilitator shall be required to collect and remit the tax on the cumulative gross receipts from sales in the current calendar year by the marketplace facilitator to customers in this state.

New Sec. 5. (a) In addition to other applicable recordkeeping requirements, the department may require a marketplace facilitator or referrer to provide or make available to the department any information the department determines is reasonably necessary to enforce the provisions of this act, the Kansas retailers' sales tax act and the Kansas compensating tax act. Such information may include documentation of sales made by marketplace sellers through the marketplace facilitator's physical or electronic marketplace. The department may prescribe by rules and regulations the form and manner for providing this information.

(b) A marketplace facilitator is relieved of liability under this act for failure to collect the correct amount of tax to the extent that the marketplace facilitator can show to the department's satisfaction that the error was due to incorrect or insufficient information given to the marketplace facilitator by the marketplace seller, unless the marketplace facilitator and marketplace seller are affiliated persons. When the marketplace facilitator is relieved of liability under this subsection, the marketplace seller is solely liable for the amount of uncollected tax due.

(c) Except as otherwise provided in this section, a marketplace seller obligated to collect the taxes imposed under this act is not required to collect such taxes on all taxable retail sales through a marketplace operated by a marketplace facilitator if the marketplace seller entered into an agreement with the marketplace facilitator indicating that the marketplace facilitator is registered with the department and will collect all applicable taxes due under this act, the Kansas retailers' sales tax act or the Kansas compensating tax act on all taxable retail sales made on behalf of the marketplace seller through the marketplace operated by the marketplace facilitator. This subsection does not relieve a marketplace seller from liability for uncollected taxes due under this act, the Kansas retailers' sales tax act or the Kansas compensating tax act resulting from a

marketplace facilitator's failure to collect the proper amount of tax due when the error was due to incorrect or insufficient information given to the marketplace facilitator by the marketplace seller.

(d) No class action may be brought against a marketplace facilitator in any court of this state on behalf of purchasers arising from or in any way related to an overpayment of sales or use tax collected by the marketplace facilitator or referrer, regardless of whether that claim is characterized as a tax refund claim. Nothing in this subsection affects a purchaser's right to seek a refund from the department as provided by the Kansas retailers' sales tax act.

New Sec. 6. (a) Except as otherwise provided in this act, taxes imposed under the Kansas retailers' sales tax act or the Kansas compensating tax act and payable by a consumer directly to the department are due, on returns prescribed by the department, as prescribed by those acts.

(b) Nothing in this act affects the obligation of any purchaser from this state to remit retail sales or use tax as to any applicable taxable transaction in which the seller does not collect and remit retail sales or use tax.

New Sec. 7. (a) A marketplace facilitator that is subject to section 4, and amendments thereto, and is complying with the requirements of the Kansas retailers' sales tax act or the Kansas compensating tax act may only seek a recovery of retail sales and use taxes, penalties or interest from the department by following the recovery procedures established under the Kansas retailers' sales tax act. However, no claim may be granted on the basis that the taxpayer lacked a physical presence in this state and complied with the tax collection provisions of the Kansas retailers' sales tax act or the Kansas compensating tax act voluntarily.

(b) Neither the state nor any marketplace facilitator who collects and remits retail sales or use tax under section 4, and amendments thereto, is liable to a purchaser that claims that the retail sales or use tax has been over-collected because a provision of this act is later deemed unlawful.

New Sec. 8. (a) A marketplace seller or a marketplace facilitator that is obligated to collect and remit the taxes imposed under this act, the Kansas retailers' sales tax act or the Kansas compensating tax act shall also collect and remit transient guest taxes pursuant to K.S.A. 12-1697, and amendments thereto, and 911 fees pursuant to K.S.A. 2020 Supp. 12-5369, 12-5370 and 12-5371, and amendments thereto.

(b) Beginning on and after July 1, 2021, the collection and remittance obligations of a marketplace facilitator under this act also apply to any other taxes and fees, as defined under this section, that are imposed on a retail sale made or facilitated by the marketplace facilitator, whether in its own right or as an agent of a marketplace seller, regardless of whether the marketplace seller has a tax collection obligation.

New Sec. 9. Except as otherwise provided in this act, the provisions of K.S.A. 79-3601 through 79-3696, and amendments thereto, relating to enforcement, collection and administration, insofar as practicable, shall have full force and effect with respect to taxes imposed under the provisions of this act.

New Sec. 10. The secretary of revenue shall adopt such rules and regulations as deemed necessary for the administration of this act.

New Sec. 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or

application, and to this end, the provisions of this act are severable.

Sec. 12. K.S.A. 79-3702 is hereby amended to read as follows: 79-3702. For the purposes of this act:

(a) "Purchase price" means the consideration paid or given or contracted to be paid or given by any person to the seller of an article of tangible personal property for the article purchased. The term shall include, in addition to the consideration paid or given or contracted to be paid or given, the actual cost of transportation from the place where the article was purchased to the person using the same in this state. If a cash discount is allowed and taken on the sale it shall be deducted in arriving at the purchase price.

~~(b) The meaning ascribed to words and phrases in K.S.A. 79-3602, and amendments thereto, insofar as is practicable, shall be applicable herein unless otherwise provided.~~ As used in this act, the words and phrases set out in K.S.A. 79-3602, and amendments thereto, shall have the meanings respectively ascribed to them unless the context requires a different meaning. The provisions of K.S.A. 79-3601 ~~to through~~ 79-3625, ~~inclusive,~~ 79-3650, ~~K.S.A.~~ 79-3693 and 79-3694, and amendments thereto, relating to enforcement, collection and administration, insofar as practicable, shall have full force and effect with respect to taxes imposed under the provisions of this act.

(c) "Use" means the exercise within this state by any person of any right or power over tangible personal property incident to the ownership of that property, except that it shall not include processing, or the sale of the property in the regular course of business, and except storage as hereinafter defined.

(d) "Storage" means any keeping or retaining in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased from a retailer.

(e) "Storage" and "use" do not include the keeping, retaining or exercising of any right or power over tangible personal property shipped or brought into this state for the purpose of subsequently transporting it outside the state for use thereafter solely outside the state, or for the purpose of being processed, fabricated, or manufactured into, attached to or incorporated into, other tangible personal property to be transported outside the state and thereafter used solely outside the state.

(f) "Property used in processing" means: (1) Any tangible personal property which, when used in fabrication, compounding, manufacturing or germination, becomes an integral part of the new article resulting from such fabrication, compounding, manufacturing, or germination, and intended to be sold ultimately at retail; and (2) fuel which is consumed in creating power, heat, or steam for processing or for generating electric current.

(g) "Retailer" means every person engaged in the business of selling tangible personal property for use within the meaning of this act, except that, when in the opinion of the director it is necessary for the efficient administration of this act to regard any salesperson, representatives, truckers, peddlers or canvassers as the agents of the dealers, distributors, supervisors, employers or persons under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors, employers, or persons, the director may so regard them and may regard the dealers, distributors, supervisors, employers, or persons as retailers for the purposes of this act.

(h) (1) "Retailer doing business in this state" or any like term, means:

(A) Any retailer maintaining in this state, permanently, temporarily, directly or indirectly through a subsidiary, agent or representative, an office, distribution house, sales house, warehouse or other place of business;

(B) any retailer utilizing an employee, independent contractor, agent, representative, salesperson, canvasser, solicitor or other person operating in this state either permanently or temporarily, for the purpose of selling, delivering, installing, assembling, servicing, repairing, soliciting sales or the taking of orders for tangible personal property;

(C) any retailer, including a contractor, repair person or other service provider, who enters this state to perform services that are enumerated in K.S.A. 79-3603, and amendments thereto, and who is required to secure a retailer's sales tax registration certificate before performing those services;

(D) any retailer deriving rental receipts from a lease of tangible personal property situated in this state;

(E) any person regularly maintaining a stock of tangible personal property in this state for sale in the normal course of business; ~~and~~

(F) any retailer who has any other contact with this state that would allow this state to require the retailer to collect and remit tax under the provisions of the constitution and laws of the United States; and

(G) (i) for any retailer that does not satisfy any of the requirements contained in subparagraphs (A) through (F), such retailer shall be a retailer doing business in this state, if:

(a) For the period beginning on January 1, 2021, through June 30, 2021, the retailer had cumulative gross receipts from sales by the retailer to customers in this state; or

(b) during the current or immediately preceding calendar year, the retailer had cumulative gross receipts from sales by the retailer to customers in this state.

(ii) (a) For any retailer who satisfies the provisions of subparagraph (G)(i), such retailer shall not be required to collect and remit any taxes from sales occurring prior to July 1, 2021.

(b) For any retailer who satisfies the provisions of subparagraph (G)(i)(b) for sales in the current calendar year for the first time, such retailer shall be required to collect and remit the tax on the cumulative gross receipts from sales in the current calendar year by the retailer to customers in this state.

(2) A retailer shall be presumed to be doing business in this state if any of the following occur:

(A) Any person, other than a common carrier acting in its capacity as such, that has nexus with the state sufficient to require such person to collect and remit taxes under the provisions of the constitution and laws of the United States if such person were making taxable retail sales of tangible personal property or services in this state:

(i) Sells the same or a substantially similar line of products as the retailer and does so under the same or a substantially similar business name;

(ii) maintains a distribution house, sales house, warehouse or similar place of business in Kansas that delivers or facilitates the sale or delivery of property sold by the retailer to consumers;

(iii) uses trademarks, service marks, or trade names in the state that are the same or substantially similar to those used by the retailer;

(iv) delivers, installs, assembles or performs maintenance services for the retailer's

customers within the state;

(v) facilitates the retailer's delivery of property to customers in the state by allowing the retailer's customers to pick up property sold by the retailer at an office, distribution facility, warehouse, storage place or similar place of business maintained by the person in the state;

(vi) has a franchisee or licensee operating under its trade name if the franchisee or the licensee is required to collect the tax under the Kansas retailers' sales tax act; or

(vii) conducts any other activities in the state that are significantly associated with the retailer's ability to establish and maintain a market in the state for the retailer's sales.

(B) Any affiliated person conducting activities in this state described in subparagraph (A) or (C) has nexus with this state sufficient to require such person to collect and remit taxes under the provisions of the constitution and laws of the United States if such person were making taxable retail sales of tangible personal property or services in this state.

(C) The retailer enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link or an internet website, by telemarketing, by an in-person oral presentation, or otherwise, to the retailer, if the cumulative gross receipts from sales by the retailer to customers in the state who are referred to the retailer by all residents with this type of an agreement with the retailer is in excess of \$10,000 during the preceding 12 months. This presumption may be rebutted by submitting proof that the residents with whom the retailer has an agreement did not engage in any activity within the state that was significantly associated with the retailer's ability to establish or maintain the retailer's market in the state during the preceding 12 months. Such proof may consist of sworn written statements from all of the residents with whom the retailer has an agreement stating that they did not engage in any solicitation in the state on behalf of the retailer during the preceding year, provided that such statements were provided and obtained in good faith. This subparagraph shall take effect 90 days after the enactment of this statute and shall apply to sales made and uses occurring on or after the effective date of this subparagraph and without regard to the date the retailer and the resident entered into the agreement described in this subparagraph. The term "preceding 12 months" as used in this subparagraph includes the 12 months commencing prior to the effective date of this subparagraph.

(D) The presumptions in subparagraphs (A) and (B) may be rebutted by demonstrating that the activities of the person or affiliated person in the state are not significantly associated with the retailer's ability to establish or maintain a market in this state for the retailer's sales.

(3) The processing of orders electronically, by fax, telephone, the internet or other electronic ordering process, does not relieve a retailer of responsibility for collection of the tax from the purchaser if the retailer is doing business in this state pursuant to this section.

(i) "Director" means the director of taxation.

(j) As used in this section, ~~"affiliated person" means any person that is a member of the same "controlled group of corporations" as defined in section 1563(a) of the federal internal revenue code as the retailer or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the retailer as a corporation that is a member of the same "controlled group of corporations" as defined in section~~

~~1563(a)~~ of the federal internal revenue code "cumulative gross receipts" means gross receipts as defined in K.S.A. 79-3602, and amendments thereto, and includes the gross receipts received by the retailer from its own direct sales combined with the gross receipts from sales facilitated on behalf of the retailers by a marketplace facilitator or marketplace facilitators, as defined in section 3, and amendments thereto.

Sec. 13. K.S.A. 79-3602 is hereby amended to read as follows: 79-3602. Except as otherwise provided, as used in the Kansas retailers' sales tax act:

(a) "Agent" means a person appointed by a seller to represent the seller before the member states.

(b) "Agreement" means the multistate agreement entitled the streamlined sales and use tax agreement approved by the streamlined sales tax implementing states at Chicago, Illinois, on November 12, 2002.

(c) "Alcoholic beverages" means beverages that are suitable for human consumption and contain 0.05% or more of alcohol by volume.

(d) "Ancillary services" means services that are associated with or incidental to the provision of telecommunications services, including, but not limited to, detailed communications billing, directory assistance, vertical service and voice mail services.

(e) "Applications" means software programs, services or resources made available to users via the internet, designed to perform a group of coordinated functions, tasks or activities and includes, but is not limited to, cloud-based applications, desktop applications, mobile applications, native applications and web applications.

(f) "Certified automated system (CAS)" means software certified under the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction.

~~(e)~~(g) "Certified service provider (CSP)" means an agent certified under the agreement to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

~~(f)~~(h) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

~~(g)~~(i) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(j) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. "Conference bridging service" does not include the telecommunications services used to reach the conference bridge.

~~(h)~~(k) "Delivered electronically" means delivered to the purchaser by means other than tangible storage media.

~~(i)~~(l) "Delivery charges" means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating and packing. "Delivery charges" shall not include charges for delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser.

(m) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(n) "Digital audio-visual works" means a series of related images that, when shown in succession, impart an impression of motion, with accompanying sounds, if any, and includes, but is not limited to, movies, motion pictures, musical videos, news and entertainment programs and live events. "Digital audio-visual works" does not include video greeting cards, video games or electronic games.

(o) "Digital audio works" means works that result from the fixation of a series of musical, spoken or other sounds and includes, but is not limited to, ringtones, recorded or live songs, music, readings of books or other written materials, speeches or other sound recordings. "Digital audio works" does not include audio greeting cards sent by electronic mail.

(p) "Digital books" means works that are generally recognized in the ordinary and usual sense as books, including any literary work expressed in words, numbers or other verbal or numerical symbols or indicia if the literary work is generally recognized in the ordinary or usual sense as a book. "Digital books" does not include digital audio-visual works, digital audio works, periodicals, magazines, newspapers or other news or information products, chat rooms or web logs.

(q) (1) "Digital code" means a code that provides a purchaser with a right to obtain one or more types of digital property. A "digital code" may be obtained by any means, including electronic mail messaging or by tangible means, regardless of the code's designation as a song code, video code or book code.

(2) "Digital code" does not include a code that represents:

(A) A stored monetary value that is deducted from a total as it is used by the purchaser; or

(B) a redeemable card, gift card or gift certificate that entitles the holder to select specific types of digital property.

(r) "Digital property" means media or products that are encoded in machine-readable formats and includes, but is not limited to, any of the following that are transferred electronically:

- (1) Digital audio-visual works;
- (2) digital audio works;
- (3) digital books;
- (4) artwork;
- (5) digital photographs and pictures;
- (6) periodicals;
- (7) newspapers;
- (8) magazines;
- (9) video, audio and other greeting cards;
- (10) graphics;
- (11) templates;
- (12) patterns;
- (13) desktop applications;
- (14) mobile applications;
- (15) web applications;
- (16) cloud-based applications;
- (17) native applications;
- (18) online games;
- (19) video games;

~~(19)~~ (20) electronic games;

~~(20)~~ (21) any digital code related to any of the items listed above; or

~~(21)~~ (22) any streaming services related to any of the items listed above.

~~(j)~~(s) "Direct mail" means printed material delivered or distributed by United States mail or other delivery services to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address.

~~(k)~~(t) "Director" means the state director of taxation.

(u) "Directory assistance" means an ancillary service of providing telephone number information or address information, or both.

~~(v)~~(v) "Educational institution" means any nonprofit school, college and university that offers education at a level above the 12<sup>th</sup> grade, and conducts regular classes and courses of study required for accreditation by, or membership in, the higher learning commission, the state board of education, or that otherwise qualify as an "educational institution," as defined by K.S.A. 74-50,103, and amendments thereto. Such phrase shall include: (1) A group of educational institutions that operates exclusively for an educational purpose; (2) nonprofit endowment associations and foundations organized and operated exclusively to receive, hold, invest and administer moneys and property as a permanent fund for the support and sole benefit of an educational institution; (3) nonprofit trusts, foundations and other entities organized and operated principally to hold and own receipts from intercollegiate sporting events and to disburse such receipts, as well as grants and gifts, in the interest of collegiate and intercollegiate athletic programs for the support and sole benefit of an educational institution; and (4) nonprofit trusts, foundations and other entities organized and operated for the primary purpose of encouraging, fostering and conducting scholarly investigations and industrial and other types of research for the support and sole benefit of an educational institution.

~~(m)~~(w) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(x) "Entity-based exemption" means an exemption based on who purchases the product or who sells the product. An exemption that is available to all individuals shall not be considered an entity-based exemption.

~~(n)~~(y) "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include alcoholic beverages or tobacco.

~~(o)~~(z) "Gross receipts" means the total selling price or the amount received as defined in this act, in money, credits, property or other consideration valued in money from sales at retail within this state; and embraced within the provisions of this act. The taxpayer, may take credit in the report of gross receipts for: (1) An amount equal to the selling price of property returned by the purchaser when the full sale price thereof, including the tax collected, is refunded in cash or by credit; and (2) an amount equal to the allowance given for the trade-in of property.

~~(p)~~(aa) "Ingredient or component part" means tangible personal property ~~which that~~ is necessary or essential to, and which is actually used in and becomes an integral and

material part of tangible personal property or services produced, manufactured or compounded for sale by the producer, manufacturer or compounder in its regular course of business. The following items of tangible personal property are hereby declared to be ingredients or component parts, but the listing of such property shall not be deemed to be exclusive nor shall such listing be construed to be a restriction upon, or an indication of, the type or types of property to be included within the definition of "ingredient or component part" as herein set forth:

(1) Containers, labels and shipping cases used in the distribution of property produced, manufactured or compounded for sale ~~which that~~ are not to be returned to the producer, manufacturer or compounder for reuse.

(2) Containers, labels, shipping cases, paper bags, drinking straws, paper plates, paper cups, twine and wrapping paper used in the distribution and sale of property taxable under the provisions of this act by wholesalers and retailers and ~~which that~~ is not to be returned to such wholesaler or retailer for reuse.

(3) Seeds and seedlings for the production of plants and plant products produced for resale.

(4) Paper and ink used in the publication of newspapers.

(5) Fertilizer used in the production of plants and plant products produced for resale.

(6) Feed for animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber, fur; or the production of offspring for use for any such purpose or purposes.

(bb) "International" means a telecommunications service that originates or terminates in the United States and terminates or originates outside the United States, respectively. The United States includes the District of Columbia or a United States territory or possession.

(cc) "Interstate" means a telecommunications service that originates in a state within the United States, or a United States territory or possession, and terminates in a different state within the United States or a United States territory or possession.

(dd) "Intrastate" means a telecommunications service that originates in a state within the United States or a United States territory or possession and terminates in the same state within the United States or a United States territory or possession.

~~(e)~~(ee) "Isolated or occasional sale" means the nonrecurring sale of tangible personal property, or services taxable hereunder by a person not engaged at the time of such sale in the business of selling such property or services. Any religious organization ~~which that~~ makes a nonrecurring sale of tangible personal property acquired for the purpose of resale shall be deemed to be not engaged at the time of such sale in the business of selling such property. Such term shall include: (1) Any sale by a bank, savings and loan institution, credit union or any finance company licensed under the provisions of the Kansas uniform consumer credit code of tangible personal property ~~which that~~ has been repossessed by any such entity; and (2) any sale of tangible personal property made by an auctioneer or agent on behalf of not more than two principals or households if such sale is nonrecurring and any such principal or household is not engaged at the time of such sale in the business of selling tangible personal property.

~~(f)~~(ff) "Lease or rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. ~~A~~ "Lease or rental" may include future options to purchase or extend.

(1) "Lease or rental" does not include:

(A) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(B) a transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of \$100 or 1% of the total required payments; or

(C) providing tangible personal property along with an operator for a fixed or indeterminate period of time. A condition of this exclusion is that the operator is necessary for the equipment to perform as designed. For the purpose of this subsection, an operator must do more than maintain, inspect or set-up the tangible personal property.

(2) "Lease or rental" does include agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. § 7701(h)(1).

(3) This definition shall be used for sales and use tax purposes regardless if a transaction is characterized as a lease or rental under generally accepted accounting principles, the internal revenue code, the uniform commercial code, K.S.A. 84-1-101 et seq., and amendments thereto, or other provisions of federal, state or local law.

(4) This definition will be applied only prospectively from the effective date of this act and will have no retroactive impact on existing leases or rentals.

~~(g)~~(gg) "Load and leave" means delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.

~~(h)~~(hh) "Member state" means a state that has entered in the agreement, pursuant to provisions of article VIII of the agreement.

~~(i)~~(ii) "Model 1 seller" means a seller that has selected a CSP as its agent to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

~~(j)~~(ji) "Model 2 seller" means a seller that has selected a CAS to perform part of its sales and use tax functions, but retains responsibility for remitting the tax.

~~(k)~~(kk) "Model 3 seller" means a seller that has sales in at least five member states, has total annual sales revenue of at least \$500,000,000, has a proprietary system that calculates the amount of tax due each jurisdiction and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subsection, a seller includes an affiliated group of sellers using the same proprietary system.

~~(l)~~(ll) "Municipal corporation" means any city incorporated under the laws of Kansas.

~~(m)~~(mm) "Nonprofit blood bank" means any nonprofit place, organization, institution or establishment that is operated wholly or in part for the purpose of obtaining, storing, processing, preparing for transfusing, furnishing, donating or distributing human blood or parts or fractions of single blood units or products derived

from single blood units, whether or not any remuneration is paid therefor, or whether such procedures are done for direct therapeutic use or for storage for future use of such products.

(nn) "Over-the-counter drug" means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The over-the-counter drug label includes: (1) A drug facts panel; or (2) a statement of the active ingredients with a list of those ingredients contained in the compound, substance or preparation. "Over-the-counter drugs" do not include grooming and hygiene products such as soaps, cleaning solutions, shampoo, toothpaste, antiperspirants and suntan lotions and screens.

~~(z)~~(oo) "Persons" means any individual, firm, copartnership, joint adventure, association, corporation, estate or trust, receiver or trustee, or any group or combination acting as a unit, and the plural as well as the singular number; and shall specifically mean any city or other political subdivision of the state of Kansas engaging in a business or providing a service specifically taxable under the provisions of this act.

~~(aa)~~(pp) "Political subdivision" means any municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state or ~~which that~~ certifies a levy to a municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state. Such term also shall include any public building commission, housing, airport, port, metropolitan transit or similar authority established pursuant to law and the horsethief reservoir benefit district established pursuant to K.S.A. 82a-2201, and amendments thereto.

~~(bb)~~(qq) "Prescription" means an order, formula or recipe issued in any form of oral, written, electronic or other means of transmission by a duly licensed practitioner authorized by the laws of this state.

~~(ee)~~(rr) "Prewritten computer software" means computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. Prewritten computer software includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software, except that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software.

~~(dd)~~(ss) "Property which is consumed" means tangible personal property which is essential or necessary to and which is used in the actual process of and consumed, depleted or dissipated within one year in: (1) The production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property; (2) the providing of services; (3) the irrigation of crops, for sale in the regular course of business; or (4) the storage or processing of grain by a public grain warehouse or other

grain storage facility, and which is not reusable for such purpose. The following is a listing of tangible personal property, included by way of illustration but not of limitation, which qualifies as property which is consumed:

(A) Insecticides, herbicides, germicides, pesticides, fungicides, fumigants, antibiotics, biologicals, pharmaceuticals, vitamins and chemicals for use in commercial or agricultural production, processing or storage of fruit, vegetables, feeds, seeds, grains, animals or animal products whether fed, injected, applied, combined with or otherwise used;

(B) electricity, gas and water; and

(C) petroleum products, lubricants, chemicals, solvents, reagents and catalysts.

~~(ee)~~(tt) "Purchase price" applies to the measure subject to use tax and has the same meaning as sales price.

~~(ff)~~(uu) "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished.

~~(gg)~~(vv) "Quasi-municipal corporation" means any county, township, school district, drainage district or any other governmental subdivision in the state of Kansas having authority to receive or hold moneys or funds.

~~(hh)~~(ww) "Registered under this agreement" means registration by a seller with the member states under the central registration system provided in article IV of the agreement.

~~(ii)~~(xx) "Retailer" means a seller regularly engaged in the business of selling, leasing or renting tangible personal property at retail or furnishing electrical energy, gas, water, services or entertainment, and selling only to the user or consumer and not for resale.

~~(jj)~~(yy) "Retail sale" or "sale at retail" means any sale, lease or rental for any purpose other than for resale, sublease or subrent.

~~(kk)~~(zz) "Sale" or "sales" means the exchange of tangible personal property, as well as the sale thereof for money, and every transaction, conditional or otherwise, for a consideration, constituting a sale, including the sale or furnishing of electrical energy, gas, water, services or entertainment taxable under the terms of this act and including, except as provided in the following provision, the sale of the use of tangible personal property by way of a lease, license to use or the rental thereof regardless of the method by which the title, possession or right to use the tangible personal property is transferred. The term "sale" or "sales" shall not mean the sale of the use of any tangible personal property used as a dwelling by way of a lease or rental thereof for a term of more than 28 consecutive days.

~~(ll)~~(aaa) (1) "Sales or selling price" applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property and services, for which personal property or services are sold, leased or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

(A) The seller's cost of the property sold;

(B) the cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller and any other expense of the seller;

(C) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;

(D) delivery charges; and

- (E) installation charges.
- (2) "Sales or selling price" includes consideration received by the seller from third parties if:
- (A) The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;
- (B) the seller has an obligation to pass the price reduction or discount through to the purchaser;
- (C) the amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and
- (D) one of the following criteria is met:
- (i) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;
- (ii) the purchaser identifies to the seller that the purchaser is a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group; or
- (iii) the price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser.
- (3) "Sales or selling price" shall not include:
- (A) Discounts, including cash, term or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;
- (B) interest, financing and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale or similar document given to the purchaser;
- (C) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale or similar document given to the purchaser;
- (D) the amount equal to the allowance given for the trade-in of property, if separately stated on the invoice, billing or similar document given to the purchaser; and
- (E) commencing on July 1, 2018, and ending on June 30, 2021, cash rebates granted by a manufacturer to a purchaser or lessee of a new motor vehicle if paid directly to the retailer as a result of the original sale.
- ~~(mm)~~(bbb) "Seller" means a person making sales, leases or rentals of personal property or services.
- ~~(nn)~~(ccc) "Service" means those services described in and taxed under the provisions of K.S.A. 79-3603, and amendments thereto.
- ~~(oo)~~(ddd) "Sourcing rules" means the rules set forth in K.S.A. 79-3670 through 79-3673, ~~K.S.A. and 12-191 and 12-191a~~, and amendments thereto, which shall apply to identify and determine the state and local taxing jurisdiction sales or use taxes to pay, or collect and remit on a particular retail sale.
- ~~(pp)~~(eee) "Tangible personal property" means personal property that can be seen, weighed, measured, felt or touched, or that is in any other manner perceptible to the senses. Tangible personal property includes electricity, water, gas, steam and prewritten computer software.
- ~~(qq)~~(fff) "Taxpayer" means any person obligated to account to the director for taxes

collected under the terms of this act.

(ggg) "Telecommunications service" means the electronic transmission, conveyance or routing of voice, data, audio, video or any other information or signals to a point, or between or among points. The term "telecommunications service" includes such transmission, conveyance or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmissions, conveyance or routing without regard to whether such service is referred to as voice over internet protocol service or is classified by the federal communications commission as enhanced or value added. "Telecommunications service" does not include:

(1) Data processing and information services that allow data to be generated, acquired, stored, processed or retrieved and delivered by an electronic transmission to a purchaser when such purchaser's primary purpose for the underlying transaction is the processed data or information;

(2) installation or maintenance of wiring or equipment on a customer's premises;

(3) tangible personal property;

(4) advertising, including, but not limited to, directory advertising;

(5) billing and collection services provided to third parties;

(6) internet access service;

(7) radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance and routing of such services by the programming service provider. Radio and television audio and video programming services shall include, but not be limited to, cable service as defined in 47 U.S.C. § 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. § 20.3;

(8) ancillary services; or

(9) digital products delivered electronically, including, but not limited to, software, music, video, reading materials or ring tones.

~~(hhh) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco or any other item that contains tobacco.~~

~~(ss) "Entity-based exemption" means an exemption based on who purchases the product or who sells the product. An exemption that is available to all individuals shall not be considered an entity-based exemption.~~

~~(tt) "Over-the-counter drug" means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The over-the-counter drug label includes: (1) A drug facts panel; or (2) a statement of the active ingredients with a list of those ingredients contained in the compound, substance or preparation. Over-the-counter drugs do not include grooming and hygiene products such as soaps, cleaning solutions, shampoo, toothpaste, antiperspirants and sun-tan lotions and screens.~~

~~(uu) "Ancillary services" means services that are associated with or incidental to the provision of telecommunications services, including, but not limited to, detailed telecommunications billing, directory assistance, vertical service and voice mail services.~~

~~(vv) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge.~~

~~(ww)~~ "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

~~(xx)~~ "Directory assistance" means an ancillary service of providing telephone number information or address information, or both.

~~(iii)~~ "Value-added non-voice data service" means a service that otherwise meets the definition of telecommunications services in which computer processing applications are used to act on the form, content, code or protocol of the information or data primarily for a purpose other than transmission, conveyance or routing.

~~(yy)(jii)~~ "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.

~~(zz)(lll)~~ "Voice mail service" means an ancillary service that enables the customer to store, send or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

~~(aaa)~~ "Telecommunications service" means the electronic transmission, conveyance or routing of voice, data, audio, video or any other information or signals to a point, or between or among points. The term telecommunications service includes such transmission, conveyance or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmissions, conveyance or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the federal communications commission as enhanced or value added. Telecommunications service does not include:

(1) Data processing and information services that allow data to be generated, acquired, stored, processed or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

(2) installation or maintenance of wiring or equipment on a customer's premises;

(3) tangible personal property;

(4) advertising, including, but not limited to, directory advertising;

(5) billing and collection services provided to third parties;

(6) internet access service;

(7) radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance and routing of such services by the programming service provider. Radio and television audio and video programming services shall include, but not be limited to, cable service as defined in 47 U.S.C. § 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. § 20.3;

(8) ancillary services; or

(9) digital products delivered electronically, including, but not limited to, software, music, video, reading materials or ring tones.

~~(bbb)(mmm)~~ "800 service" means a telecommunications service that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name 800, 855, 866, 877 and 888 toll-free calling, and any subsequent numbers designated by the federal communications commission.

~~(eee)(nnn)~~ "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service. "900 service" does not include the charge for collection services provided by the seller of the telecommunications services to the subscriber, or service or product sold by the subscriber to the subscriber's customer. The service is typically marketed under the name 900 service, and any subsequent numbers designated by the federal communications commission.

~~(ddd)~~ "Value-added non-voice data service" means a service that otherwise meets the definition of telecommunications services in which computer processing applications are used to act on the form, content, code or protocol of the information or data primarily for a purpose other than transmission, conveyance or routing.

~~(eee)~~ "International" means a telecommunications service that originates or terminates in the United States and terminates or originates outside the United States, respectively. United States includes the District of Columbia or a U.S. territory or possession.

~~(fff)~~ "Interstate" means a telecommunications service that originates in one United States state, or a United States territory or possession, and terminates in a different United States state or a United States territory or possession.

~~(ggg)~~ "Intrastate" means a telecommunications service that originates in one United States state or a United States territory or possession, and terminates in the same United States state or a United States territory or possession.

Sec. 14. K.S.A. 2020 Supp. 79-3603 is hereby amended to read as follows: 79-3603. For the privilege of engaging in the business of selling tangible personal property at retail in this state or rendering or furnishing any of the services taxable under this act, there is hereby levied and there shall be collected and paid a tax at the rate of 6.5%. On and after July 1, 2021, 16.154% of the 6.5% rate imposed shall be levied for the state highway fund, the state highway fund purposes and those purposes specified in K.S.A. 68-416, and amendments thereto, and all revenue collected and received from such tax levy shall be deposited in the state highway fund. Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax at the rate of 2% until the earlier of the date the bonds issued to finance or refinance the redevelopment project have been paid in full or the final scheduled maturity of the first series of bonds issued to finance any part of the project. Such tax shall be imposed upon:

(a) The gross receipts received from the sale of tangible personal property at retail within this state;

(b) the gross receipts from intrastate, interstate or international telecommunications services and any ancillary services sourced to this state in accordance with K.S.A. 79-3673, and amendments thereto, except that telecommunications service does not include: (1) Any interstate or international 800 or 900 service; (2) any interstate or international private communications service as defined in K.S.A. 79-3673, and amendments thereto; (3) any value-added ~~nonvoice~~ non-voice data service; (4) any telecommunication service to a provider of telecommunication services ~~which that~~ will be used to render telecommunications services, including carrier access services; or (5) any service or transaction defined in this section among entities classified as members of an affiliated group as provided by section 1504 of the federal internal revenue code of 1986, as in effect on January 1, 2001;

(c) the gross receipts from the sale or furnishing of gas, water, electricity and heat, which sale is not otherwise exempt from taxation under the provisions of this act, and whether furnished by municipally or privately owned utilities, except that, on and after January 1, 2006, for sales of gas, electricity and heat delivered through mains, lines or pipes to residential premises for noncommercial use by the occupant of such premises, and for agricultural use and also, for such use, all sales of propane gas, the state rate shall be 0%; and for all sales of propane gas, LP gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises, the state rate shall be 0%, but such tax shall not be levied and collected upon the gross receipts from: (1) The sale of a rural water district benefit unit; (2) a water system impact fee, system enhancement fee or similar fee collected by a water supplier as a condition for establishing service; or (3) connection or reconnection fees collected by a water supplier;

(d) the gross receipts from the sale of meals or drinks furnished at any private club, drinking establishment, catered event, restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public;

(e) the gross receipts from the sale of admissions to any place providing amusement, entertainment or recreation services including admissions to state, county, district and local fairs, but such tax shall not be levied and collected upon the gross receipts received from sales of admissions to any cultural and historical event which occurs triennially;

(f) the gross receipts from the operation of any coin-operated device dispensing or providing tangible personal property, amusement or other services except laundry services, whether automatic or manually operated;

(g) the gross receipts from the service of renting of rooms by hotels, as defined by K.S.A. 36-501, and amendments thereto, or by accommodation brokers, as defined by K.S.A. 12-1692, and amendments thereto, but such tax shall not be levied and collected upon the gross receipts received from sales of such service to the federal government and any agency, officer or employee thereof in association with the performance of official government duties;

(h) the gross receipts from the service of renting or leasing of tangible personal property except such tax shall not apply to the renting or leasing of machinery, equipment or other personal property owned by a city and purchased from the proceeds of industrial revenue bonds issued prior to July 1, 1973, in accordance with the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, and any city or lessee renting or leasing such machinery, equipment or other personal property purchased with the proceeds of such bonds who shall have paid a tax under the provisions of this section upon sales made prior to July 1, 1973, shall be entitled to a refund from the sales tax refund fund of all taxes paid thereon;

(i) the gross receipts from the rendering of dry cleaning, pressing, dyeing and laundry services except laundry services rendered through a coin-operated device whether automatic or manually operated;

(j) the gross receipts from the rendering of the services of washing and washing and waxing of vehicles;

(k) the gross receipts from cable, community antennae and other subscriber radio and television services;

(l) (1) except as otherwise provided by paragraph (2), the gross receipts received

from the sales of tangible personal property to all contractors, subcontractors or repairmen for use by them in erecting structures, or building on, or otherwise improving, altering, or repairing real or personal property.

(2) Any such contractor, subcontractor or repairman who maintains an inventory of such property both for sale at retail and for use by them for the purposes described by paragraph (1) shall be deemed a retailer with respect to purchases for and sales from such inventory, except that the gross receipts received from any such sale, other than a sale at retail, shall be equal to the total purchase price paid for such property and the tax imposed thereon shall be paid by the deemed retailer;

(m) the gross receipts received from fees and charges by public and private clubs, drinking establishments, organizations and businesses for participation in sports, games and other recreational activities, but such tax shall not be levied and collected upon the gross receipts received from: (1) Fees and charges by any political subdivision, by any organization exempt from property taxation pursuant to K.S.A. 79-201 *Ninth*, and amendments thereto, or by any youth recreation organization exclusively providing services to persons 18 years of age or younger which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for participation in sports, games and other recreational activities; and (2) entry fees and charges for participation in a special event or tournament sanctioned by a national sporting association to which spectators are charged an admission-~~which that~~ is taxable pursuant to subsection (e);

(n) the gross receipts received from dues charged by public and private clubs, drinking establishments, organizations and businesses, payment of which entitles a member to the use of facilities for recreation or entertainment, but such tax shall not be levied and collected upon the gross receipts received from: (1) Dues charged by any organization exempt from property taxation pursuant to K.S.A. 79-201 *Eighth* and *Ninth*, and amendments thereto; and (2) sales of memberships in a nonprofit organization-~~which that~~ is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and whose purpose is to support the operation of a nonprofit zoo;

(o) the gross receipts received from the isolated or occasional sale of motor vehicles or trailers but not including: (1) The transfer of motor vehicles or trailers by a person to a corporation or limited liability company solely in exchange for stock securities or membership interest in such corporation or limited liability company; (2) the transfer of motor vehicles or trailers by one corporation or limited liability company to another when all of the assets of such corporation or limited liability company are transferred to such other corporation or limited liability company; or (3) the sale of motor vehicles or trailers-~~which that~~ are subject to taxation pursuant to the provisions of K.S.A. 79-5101 et seq., and amendments thereto, by an immediate family member to another immediate family member. For the purposes of paragraph (3), immediate family member means lineal ascendants or descendants, and their spouses. Any amount of sales tax paid pursuant to the Kansas retailers sales tax act on the isolated or occasional sale of motor vehicles or trailers on and after July 1, 2004, which the base for computing the tax was the value pursuant to K.S.A. 79-5105(a), (b)(1) and (b)(2), and amendments thereto, when such amount was higher than the amount of sales tax which would have been paid under the law as it existed on June 30, 2004, shall be refunded to the taxpayer pursuant to the procedure prescribed by this section. Such refund shall be

in an amount equal to the difference between the amount of sales tax paid by the taxpayer and the amount of sales tax which would have been paid by the taxpayer under the law as it existed on June 30, 2004. Each claim for a sales tax refund shall be verified and submitted not later than six months from the effective date of this act to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of tax paid as provided by this act. All such refunds shall be paid from the sales tax refund fund, upon warrants of the director of accounts and reports pursuant to vouchers approved by the director of taxation or the director's designee. No refund for an amount less than \$10 shall be paid pursuant to this act. In determining the base for computing the tax on such isolated or occasional sale, the fair market value of any motor vehicle or trailer traded in by the purchaser to the seller may be deducted from the selling price;

(p) the gross receipts received for the service of installing or applying tangible personal property which when installed or applied is not being held for sale in the regular course of business, and whether or not such tangible personal property when installed or applied remains tangible personal property or becomes a part of real estate, except that no tax shall be imposed upon the service of installing or applying tangible personal property in connection with the original construction of a building or facility, the original construction, reconstruction, restoration, remodeling, renovation, repair or replacement of a residence or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

For the purposes of this subsection:

(1) "Original construction" ~~shall mean means~~ the first or initial construction of a new building or facility. The term "original construction" shall include the addition of an entire room or floor to any existing building or facility, the completion of any unfinished portion of any existing building or facility and the restoration, reconstruction or replacement of a building, facility or utility structure damaged or destroyed by fire, flood, tornado, lightning, explosion, windstorm, ice loading and attendant winds, terrorism or earthquake, but such term, except with regard to a residence, shall not include replacement, remodeling, restoration, renovation or reconstruction under any other circumstances;

(2) "building" ~~shall mean means~~ only those enclosures within which individuals customarily are employed, or which are customarily used to house machinery, equipment or other property, and including the land improvements immediately surrounding such building;

(3) "facility" ~~shall mean means~~ a mill, plant, refinery, oil or gas well, water well, feedlot or any conveyance, transmission or distribution line of any cooperative, nonprofit, membership corporation organized under or subject to the provisions of K.S.A. 17-4601 et seq., and amendments thereto, or municipal or quasi-municipal corporation, including the land improvements immediately surrounding such facility;

(4) "residence" ~~shall mean means~~ only those enclosures within which individuals customarily live;

(5) "utility structure" ~~shall mean means~~ transmission and distribution lines owned by an independent transmission company or cooperative, the Kansas electric transmission authority or natural gas or electric public utility; and

(6) "windstorm" ~~shall mean means~~ straight line winds of at least 80 miles per hour

as determined by a recognized meteorological reporting agency or organization;

(q) the gross receipts received for the service of repairing, servicing, altering or maintaining tangible personal property ~~which that~~ when such services are rendered is not being held for sale in the regular course of business, and whether or not any tangible personal property is transferred in connection therewith. The tax imposed by this subsection shall be applicable to the services of repairing, servicing, altering or maintaining an item of tangible personal property ~~which that~~ has been and is fastened to, connected with or built into real property;

(r) the gross receipts from fees or charges made under service or maintenance agreement contracts for services, charges for the providing of which are taxable under the provisions of subsection (p) or (q);

(s) on and after January 1, 2005, the gross receipts received from the sale of prewritten computer software and the sale of the services of modifying, altering, updating or maintaining prewritten computer software, whether the prewritten computer software is installed or delivered electronically by tangible storage media physically transferred to the purchaser or by load and leave;

(t) the gross receipts received for telephone answering services;

(u) the gross receipts received from the sale of prepaid calling service and prepaid wireless calling service as defined in K.S.A. 79-3673, and amendments thereto;

(v) all sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 75-5171 et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section; ~~and~~

(w) all sales of charitable raffle tickets in accordance with K.S.A. 75-5171 et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section; ~~and~~

(x) all sales of digital property, and subscription services thereto, regardless of whether: (1) The purchaser has the right to permanently use the property; (2) the purchaser's right to access or retain the property is not permanent; or (3) the purchaser's right to use is conditioned upon continued payment.

Sec. 15. K.S.A. 79-32,119 is hereby amended to read as follows: 79-32,119. The Kansas standard deduction of an individual, including a husband and wife who are either both residents or who file a joint return as if both were residents, shall be equal to the sum of the standard deduction amount allowed pursuant to this section, and the additional standard deduction amount allowed pursuant to this section for each such deduction allowable to such individual or to such husband and wife under the federal internal revenue code. ~~For tax year 1998 through tax year 2012, the standard deduction amount shall be as follows: Single individual filing status, \$3,000; married filing status, \$6,000; and head of household filing status, \$4,500.~~ For tax year 1998, and all tax years thereafter, the additional standard deduction amount shall be as follows: Single individual and head of household filing status, \$850; and married filing status, \$700. For tax year 2013, ~~and all tax years thereafter through tax year 2020,~~ the standard deduction amount of an individual, including husband and wife who are either both residents or who file a joint return as if both were residents, shall be as follows: Single individual filing status, \$3,000; married filing status, \$7,500; and head of household filing status, \$5,500. For tax year 2021, the standard deduction amount of an individual, including husband and wife who are either both residents or who file a joint return as if both were residents, shall be as follows: Single individual filing status, \$3,600; married

filing status, \$9,000; and head of household filing status, \$6,600. For tax year 2022, and all tax years thereafter, the standard deduction amount of an individual, including husband and wife who are either both residents or who file a joint return as if both were residents, shall be as follows: Single individual filing status, \$4,050; married filing status, \$10,125; and head of household filing status, \$7,425. For purposes of the foregoing, the federal standard deduction allowable to a husband and wife filing separate Kansas income tax returns shall be determined on the basis that separate federal returns were filed, and the federal standard deduction of a husband and wife filing a joint Kansas income tax return shall be determined on the basis that a joint federal income tax return was filed.";

Also on page 19, in line 33, by striking all after "K.S.A."; in line 34, by striking "32,143a," and inserting "79-32,119, 79-3602, 79-3702 and K.S.A. 2020 Supp. 79-3603";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "income"; also in line 1, by striking all after "to"; by striking all in lines 2 through 6; in line 7 by striking "exemption of" and inserting "income taxation, increasing the Kansas standard deduction; exempting"; in line 9, before "amending" by inserting "relating to sales and compensating use tax, requiring collection and remittance by marketplace facilitators, providing nexus for certain retailers, imposing tax on digital property and subscription services;"; also in line 9, by striking all after "K.S.A."; in line 10, by striking "and 79-32,143a" and inserting "79-32,119, 79-3602 and 79-3702 and K.S.A. 2020 Supp. 79-3603".

Senator Tyson, citing in accordance with Senate Rule 27, requested the question be divided into four parts as follows:

The first part contains the provisions of the amendment which relate to requiring marketplace facilitators to collect and remit sales and compensating use tax and providing nexus for certain retailers and is contained in sections 2 through 12 of the amendment.

The second part contains the provisions of the amendment which relate to imposing a sales tax on digital property and subscription services and is contained in sections 13 and 14 of the amendment.

The third part contains the provisions of the amendment which relate to increasing the standard deduction and is contained in section 15 of the amendment.

The fourth part contains the balance of the amendment not specified in parts one through three of this motion which consists of instructions in the amendment related to the striking on page 1 of the bill, all in lines 12 through 16 and 26 through 36; by striking all on pages 2 through 18 of the bill; on page 19 of the bill, by striking all in lines 1 through 32.

And by adjusting the repealer and title accordingly.

Upon the showing of five hands, a roll call vote was requested for Part 1.

On roll call, the vote was: Yeas 11; Nays 26; Present and Passing 0; Absent or Not Voting 3.

Yeas: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Nays: Alley, Baumgardner, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Absent or Not Voting: Billinger, Estes, McGinn.

Part 1 was rejected.

Upon the showing of five hands, a roll call vote was requested for Part 2.

On roll call, the vote was: Yeas 5; Nays 27; Present and Passing 6; Absent or Not Voting 2.

Yeas: Corson, Faust-Goudeau, Francisco, Holscher, Sykes.

Nays: Alley, Baumgardner, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Present and Passing: Haley, Hawk, Holland, Longbine, Pettey, Ware.

Absent or Not Voting: Billinger, Estes.

Part 2 was rejected.

#### EXPLANATION OF VOTE

Mr. Chairman: We have heard repeatedly tonight that we need to level the playing field for Main Street Kansas Businesses. There are two ways to make taxes fair when a business is paying a high tax rate and another business is not. Some of my colleagues on the other side want to raise taxes while they keep increasing state spending, and call that being fair. With the governor closing so many businesses during COVID-19, these business are struggling and I prefer the second option. That option is to lower the taxes on those businesses that are struggling and tightening our state spending belt. For these reasons I vote "NO" on the amendment.—RICHARD HILDERBRAND

Upon the showing of five hands, a roll call vote was requested for Part 3.

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

Yeas: Alley, Baumgardner, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Billinger, Estes.

Part 3 was adopted.

Upon the showing of five hands, a roll call vote was requested for Part 4.

On roll call, the vote was: Yeas 9; Nays 28; Present and Passing 1; Absent or Not Voting 2.

Yeas: Corson, Faust-Goudeau, Francisco, Hawk, Holland, Holscher, Pettey, Sykes, Ware.

Nays: Alley, Baumgardner, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Present and Passing: Haley.

Absent or Not Voting: Billinger, Estes.

Part 4 was rejected.

**SB 22** be passed as further amended.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator Suellentrop an emergency was declared by a 2/3 constitutional majority, and **SB 22**, **SB 32**, **SB 36**, **SB 58**, **SB 70** were advanced to Final Action and roll call.

**SB 22**, AN ACT concerning income taxation; relating to addition and subtraction modifications for the treatment of global intangible low-taxed income, business interest, capital contributions, FDIC premiums, business meals, payment protection program loans and expenses, social security benefits and amounts received from employer-sponsored retirement plan; expanding the expense deduction for income taxpayers and calculating the deduction amount; providing the ability to elect to itemize for individuals; exemption of unemployment or other compensation income attributable as a result of identity fraud; increasing the Kansas standard deduction; amending K.S.A. 79-32,117, 79-32,119, 79-32,120, 79-32,138 and 79-32,143a and repealing the existing sections.

On roll call, the vote was: Yeas 24; Nays 15; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Bowers, Claeys, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Billinger, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Longbine, Pettey, Pittman, Sykes, Ware.

Absent or Not Voting: Estes.

The bill passed, as amended.

**EXPLANATION OF VOTE**

Mr. President: I vote "NO" on **SB 22**. I had voted for the amendment to increase the standard deduction that passed, but I also voted for an amendment that removes the ability for any individual to elect to deduct the Kansas itemized deduction in lieu of the Kansas standard deduction, regardless of whether they itemized their federal taxes that failed. I want tax reforms that are fiscally responsible and will help a majority of Kansans. The increase in the standard deduction will help most taxpayers, but I believe it should replace, not be in addition to, the change for itemized deductions. In the midst of a pandemic, the fiscal note needs to be pared down so that we can keep our budget in balance and be in a position to make the needed investments to help Kansans recover and move forward.—MARC FRANCISCO

Mr. President: I vote "NO" on **SB 22**. This bill is too expensive and creates a large hole in our budget, especially with the added amendments. This large deficit will impede the economic recovery we desperately need as we move out of the current pandemic. As the ranking member on the Senate Ways and Means Committee, I feel a deep sense of responsibility to balance our budget. While I support increasing the standard deduction because it will help all Kansans, the bottom line is that this bill does very little for regular, hardworking Kansans, and does a lot for giant multinational corporations, 62% of which report zero income in our state. At a time when we're facing huge unemployment rates, we do not need tax cuts for the rich which have no impact on unemployment. At a time when we're facing economic uncertainty, we do not need to repeat failed tax experiments which studies have shown – and which we have

seen firsthand here in Kansas – have no impact on economic growth. With this legislation, we’re once again putting giant multinational corporations ahead of Kansas families and businesses.—TOM HAWK

Mr. President: “Too much Wall Street . . . Not enough Main Street.”—TOM HOLLAND

Mr. President: We have an obligation to support our state's future. That means fully funding our schools, our roads and other essential services. It also means fully supporting our state's economic future so that businesses can move here, stay here and thrive here. I vote "YES" to fostering a fair business climate that will put Kansas on par with other states. A strong business climate is what fuels the job creation and economic growth we need to adequately fund education and our quality of life for the long-haul.—KRISTEN O'SHEA

Mr. President: As one who works with numbers, I appreciate the words of the Chair of Ways and Means who has looked through the numbers. I worry about our teachers, our correction workers, our retirees who could be impacted by such a drastic cut in the fourth or fifth week of this new biennium. We have hundreds of thousands of Kansans struggling to get unemployment benefits, struggling to get vaccines, and kids who will need extra education to make up for the major break in their studies, especially those most at risk. We should look at targeted relief for taxpayers this year that will help them get through this pandemic. I vote “NO” on **SB 22**. I think we should revisit these cuts next year when we are out of this pandemic.—JEFF PITTMAN

Mr. President: I am voting “NO” on **SB 22**. While I am grateful that our body chose to raise the standard deduction for 94% of Kansans, it does so without paying for it or anything else in this bill. So while this increased standard deduction benefits Kansans in theory, it forces them to pay a far greater price. Our state has a constitutional duty to adequately fund our public schools and an obligation to Kansas taxpayers to keep our roads and bridges safe. The astronomical fiscal note from the tax cuts to Wall Street alone means **SB 22** jeopardizes our ability to fulfill those responsibilities. We have been down this road before, and especially as we recover from this pandemic, we cannot afford to go down it again.—DINAH SYKES

Senators Corson, Faust-Goudeau, Holland, Holscher and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **SB 22**.

Mr. President: We cannot afford to extend tax breaks for corporations or the wealthy that cripple our ability to invest in areas that would otherwise expand economic growth. Tax reform must be done in a way that protects working families and the vulnerable, and requires corporations and the wealthy to pay a fair share. We must prioritize our tax reform to remove expenditures that disproportionately benefit the wealthy, while protecting those that create ladders of opportunity, reward work, and protect the poor. So, while I support many of the pieces in this bill, the cost is just too high.—MARY WARE

Senator Pettey requests the record to show she concurs with the "Explanation of Vote" offered by Senator Ware on **SB 22**.

**SB 32**, AN ACT concerning education; relating to postsecondary education; concurrent and dual enrollment; authorizing school districts to pay tuition and fees; requiring tuition waiver for foster children; report to the legislature; amending K.S.A.

72-3220, 72-3221, 72-3222, 72-3223, 72-3224 and 75-53,112 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes.

The bill passed, as amended.

**SB 36**, AN ACT concerning motor vehicles; relating to salvage vehicles; allowing employees of salvage vehicle pools to perform vehicle identification number inspections; allowing salvage vehicle pools and salvage vehicle dealers to apply to the division of vehicles for ownership documents; providing application and notice requirements therefor; amending K.S.A. 2020 Supp. 8-116a and 8-198 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes.

The bill passed, as amended.

**SB 58**, AN ACT concerning liens or claims against real or personal property; relating to prohibitions on certain filings; notice; criminal penalties; amending K.S.A. 2020 Supp. 58-4301 and 58-4302 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes.

The bill passed.

**SB 70**, AN ACT concerning sales taxation; relating to exemptions from the sales or selling price; making exemption of certain cash rebates on sales or leases or new motor vehicles permanent; excluding discounts and coupons from the sales or selling price; amending K.S.A. 79-3602 and repealing the existing section.

On roll call, the vote was: Yeas 26; Nays 11; Present and Passing 2; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Masterson, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, McGinn, Pettey, Sykes, Ware.

Present and Passing: Bowers, Longbine.

Absent or Not Voting: Estes.

The bill passed.

#### FINAL ACTION ON CONSENT CALENDAR

**SB 55, SB 64** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**SB 55**, AN ACT concerning the healing arts; relating to healing arts schools; professional services performed thereby; authorization thereof; amending K.S.A. 2020 Supp. 17-2707, 17-7668 and 65-2877a and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes.

The bill passed.

**SB 64**, AN ACT concerning postsecondary education; relating to the regulation of private and out-of-state educational institutions by the state board of regents; certificates of approval; student protections; rules and regulations; amending K.S.A. 74-32,162, 74-32,163, 74-32,164, 74-32,165, 74-32,167, 74-32,168, 74-32,169, 74-32,170, 74-32,171, 74-32,172, 74-32,173, 74-32,175, 74-32,177, 74-32,178, 74-32,181, 74-32,182, 74-32,184, 74-32,194, 74-32,417 and 74-32,419 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes.

The bill passed.

#### CONSIDERATION OF APPOINTMENTS

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

Senator Suellentrop moved the following appointment be confirmed as recommended by the Committee on **Federal and State Affairs**.

*By the Governor*

On the appointment to the:

*Kansas Human Rights Commission:*

Michael Kane, to serve a term ending January 15, 2025.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes.

The appointment was confirmed.

## REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

*Chief Hearing Officer, State Board of Tax Appeals*: K.S.A. 74-2433

Thomas P. Browne, Jr., to serve a term ending on January 15, 2025.

Committee on **Local Government** recommends **SB 88** be passed.

Also, **SB 118** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Public Health and Welfare** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

*Ombudsman, State Long Term Care Ombudsman*: K.S.A. 75-7304

Camille Russell, to serve a term ending on March 15, 2024.

On motion of Senator Suellentrop, the Senate adjourned Pro Forma until 2:30 p.m., February 10, 2021.

# Journal of the Senate

TWENTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 10, 2021, 2:30 p.m.

The Senate was called to order Pro Forma by Vice President Rick Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 199**, AN ACT concerning insurance; relating to health insurance; providing for short-term, limited-duration health plans; amending K.S.A. 2020 Supp. 40-2,193 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 200**, AN ACT concerning pharmacists and pharmacy; relating to the state board of pharmacy; expanding the pharmacist's scope of practice to include point-of-care testing for and treatment of certain health conditions; amending K.S.A. 65-1626a and repealing the existing section, by Committee on Public Health and Welfare.

**SB 201**, AN ACT concerning elections; relating to voter registration; authorizing registration for individuals 16 years of age or older; amending K.S.A. 25-2306 and repealing the existing section, by Senator Corson.

**SB 202**, AN ACT concerning taxation; relating to income and property taxation; the COVID-19 taxpayer and small business owner relief act; enacting the unemployment insurance (UI) fraud protection act exempting unemployment compensation income attributable as a result of identity fraud; enacting the retail storefront small business owner rebate act providing a refundable credit for certain retail storefront property tax; enacting the small business property tax increase relief act establishing a payment plan for certain extraordinary increases in property taxation, by Senators Holland, Alley, Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holscher, Olson, Pettey, Pittman, Sykes and Ware.

**SB 203**, AN ACT concerning workers compensation; relating to injured employees; allowing the employee the freedom of choice in designating a healthcare provider; requiring the employer to pay for the services of the designated healthcare provider; amending K.S.A. 2020 Supp. 44-510h and repealing the existing section, by Senator Sykes.

**SB 204**, AN ACT concerning crimes, punishment and criminal procedure; prohibiting a court from requiring psychiatric or psychological examinations of an alleged victim of any crime, by Committee on Judiciary.

**SB 205**, AN ACT concerning civil actions and civil procedure; relating to partition; prescribing procedures and requirements for partition of certain real property; enacting the uniform partition of heirs property act, by Committee on Judiciary.

**SB 206**, AN ACT enacting the fairness in condemnation act; imposing certain duties

on the plaintiff condemning authority; notice and opportunity for negotiation, by Committee on Judiciary.

**SB 207**, AN ACT concerning health and healthcare; relating to telemedicine; regulation of out-of-state physicians by the state board of healing arts during a state of disaster emergency; allowing counties to adopt a resolution finding a need for out-of-state telemedicine physicians; amending K.S.A. 2020 Supp. 48-963, as amended by section 7 of 2021 Senate Bill No. 14, and repealing the existing section, by Senator Steffen.

**SB 208**, AN ACT concerning education; relating to student athletes; creating the fairness in women's sports act; restricting participation on women's teams to female students; providing a cause of action for violations, by Committee on Federal and State Affairs.

**SB 209**, AN ACT concerning elections; relating to advance voting ballots; imposing restrictions on third party solicitations to registered voters to file an application for an advance voting ballot; amending K.S.A. 2020 Supp. 25-1122 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 210**, AN ACT concerning the legislature; relating to the size thereof; reducing the number of members of the house of representatives; amending K.S.A. 4-101 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 211**, AN ACT concerning health and healthcare; relating to the physician-client relationship; allowing patients to sign a liability waiver to be prescribed off-label use drugs, by Senators Steffen and Erickson.

**SB 212**, AN ACT concerning public health; relating to childhood immunizations required for attendance at a child care facility or school; relating to the department of health and environment; powers of the secretary; amending K.S.A. 65-508 and 72-6262 and repealing the existing sections, by Senator Steffen.

**SB 213**, AN ACT concerning employment law; relating to adverse employment actions; prohibiting an employer from taking such actions based upon an employee's vaccination status, by Senator Steffen.

**SB 214**, AN ACT concerning crimes, punishment and criminal procedure; creating the crime of unlawful gender reassignment service; providing grounds for unprofessional conduct for healing arts licensees; amending K.S.A. 65-2837 and repealing the existing section, by Senator Thompson.

**SB 215**, AN ACT concerning transportation; relating to commercial driver's education; transferring authority over driver's education programs operated by certain postsecondary institutions and driver training schools to the department of revenue; authorizing the department of revenue to promulgate rules and regulations therefor; amending K.S.A. 8-273, 8-274, 8-275, 8-276, 8-277, 8-278, 8-279 and 8-280 and K.S.A. 2020 Supp. 8-272 and repealing the existing sections, by Committee on Education.

**SB 216**, AN ACT concerning economic development; relating to rural opportunity zones; extending the time period for eligibility in the loan repayment program and the income tax credit; amending K.S.A. 74-50,223 and 79-32,267 and repealing the existing sections, by Committee on Assessment and Taxation.

**SB 217**, AN ACT concerning rural opportunity zones; relating to eligible counties; adding counties designated as eligible for participation; amending K.S.A. 74-50,222 and repealing the existing section, by Committee on Assessment and Taxation.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 180**.

Commerce: **SB 176, SB 177, SB 189, SB 193, SB 194**.

Education: **SB 185**.

Federal and State Affairs: **SB 179, SB 181, SB 184, SB 187, SB 188, SB 190, SB 192**.

Financial Institutions and Insurance: **SB 178**.

Judiciary: **SB 195, SB 196, SB 197, SB 198**.

Transparency and Ethics: **SB 182, SB 183, SB 191**.

Transportation: **SB 186**.

**REFERENCE OF APPOINTMENTS**

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

*Member, State Board of Tax Appeals:*

Robert (Robin) Marx, to serve a term ending January 15, 2024.  
(Committee on Assessment and Taxation)

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2005, HB 2030, HB 2062, HB 2072, HB 2075, HB 2102, HB 2112, HB 2167**.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2005, HB 2030, HB 2062, HB 2072, HB 2075, HB 2102, HB 2112, HB 2167** were thereupon introduced and read by title.

**REPORTS OF STANDING COMMITTEES**

Committee on **Public Health and Welfare** recommends **SB 83** be amended on page 3, in line 12, by striking "and"; in line 13, after the semicolon by inserting "and

(C) if the board had knowledge of a law enforcement investigation involving the death of a child;"

Also on page 3, in line 18, by striking "and"; in line 19, after the semicolon by inserting "and

(C) if the board had knowledge of a law enforcement investigation involving the death of a child;" and the bill be passed as amended.

Also, **SB 85** be amended on page 1, in line 26, by striking "or"; in line 27, by striking all after "a"; in line 28, by striking "contractor" and inserting "location not licensed as a placement for foster youth";

On page 2, in line 3, by striking "facility under the control of a contractor" and inserting "location not licensed as a placement for foster youth"; in line 6, by striking all after "(4)"; by striking all in lines 7 and 8; in line 9, by striking all before the period and inserting "The department for children and families shall submit an annual report to the legislature summarizing data, outcomes and trends related to the children reported under this section. This report shall outline efforts made by the department to meet the needs of children reported under this section and make any recommendations to the

legislature to improve outcomes for these children"; and the bill be passed as amended.

Committee on **Public Health and Welfare** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

*Public Member, University of Kansas Hospital Authority*: K.S.A. 76-3304

David Dillon, to serve a term ending March 15, 2025.

On motion of Senator Suellentrop, the Senate adjourned until 2:30 p.m., Thursday, February 11, 2021.

# Journal of the Senate

TWENTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 11, 2021, 2:30 p.m.

The Senate was called to order by Vice President Wilborn.  
The roll was called with 39 senators present.  
Senator Estes was excused.  
Invocation by Reverend Cecil T. Washington:

A Prayer for God's Will and God's Way!  
Matthew 6:9-13, Luke 11:1-4

Lord, realizing that prayer brings us from the everyday routine of life into a spiritual awareness of Your presence, we come today repeating the prayer that was taught to the Disciples in Matthew: 9-13.

Our Father, which art in Heaven,  
Hallowed be thy Name.  
Thy kingdom come.  
Thy will be done on earth, as it is in Heaven.  
Give us this day our daily bread.  
And forgive us our trespasses,  
as we forgive those who trespass against us.  
Lead us not into temptation,  
But deliver us from the evil one.  
For thine is the kingdom, the power, and the glory, forever, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 218**, AN ACT concerning the uniform consumer credit code; relating to consumer loans; providing restrictions and requirements for certain alternative small installment loans; requiring lender reporting; amending K.S.A. 16a-2-308, 16a-2-401, 16a-2-404 and 16a-2-501 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 219**, AN ACT concerning real estate brokers and salespersons; relating to the definition of broker; licensure; requiring licensing for certain patterns of business; exemptions thereto; applications of licensure provisions to trusts; granting the Kansas real estate commission authority to assess civil fines and issue cease and desist orders and subpoenas; amending K.S.A. 58-3036 and 58-3065 and K.S.A. 2020 Supp. 58-

3035, 58-3037, 58-3042 and 74-4202 and repealing the existing sections, by Committee on Commerce.

**SB 220**, AN ACT concerning crimes, punishment and criminal procedure; relating to battery; increasing the penalty for battery against a utility worker; amending K.S.A. 2020 Supp. 21-5413 and repealing the existing section, by Committee on Judiciary.

**SB 221**, AN ACT concerning taxation; relating to income tax credits for education expenses; allowing a follow the student tax credit, by Committee on Education.

**SB 222**, AN ACT concerning property taxation; relating to valuation of property; excluding hypothetical leased fee in the determination of fair market value; amending K.S.A. 79-503a and repealing the existing section, by Committee on Ways and Means.

**SB 223**, AN ACT concerning eminent domain; relating to the conduct of carbon dioxide in pipes; amending K.S.A. 17-618 and repealing the existing section, by Committee on Ways and Means.

**SB 224**, AN ACT concerning railroads; establishing a maximum train length allowed to be operated in Kansas; providing penalties for violations, by Committee on Ways and Means.

**SB 225**, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; providing affiliation of the Kansas department of wildlife, parks and tourism for membership of certain law enforcement officers and employees; establishing employee and employer contributions, by Committee on Ways and Means.

**SB 226**, AN ACT concerning sales taxation; relating to exemptions; providing an exemption for area agencies on aging; amending K.S.A. 79-3606 and repealing the existing section, by Committee on Ways and Means.

**SB 227**, AN ACT concerning health and healthcare; relating to oral health; providing dental benefits for medicaid enrollees; making technical corrections to the dental practices act; amending K.S.A. 65-1456 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 228**, AN ACT concerning sales and compensating use taxation; relating to the collection and remittance of taxes; allowing for the retention of taxes by retailer on movie ticket and concession sales, by Committee on Assessment and Taxation.

**SB 229**, AN ACT concerning civil actions; relating to actions for wrongful conviction and imprisonment; providing for payment of interest; directing the attorney general to file certain collateral actions; amending K.S.A. 2020 Supp. 60-5004 and repealing the existing section, by Committee on Judiciary.

**SB 230**, AN ACT concerning deprivation of rights under color of law; creating the crime of deprivation of rights under color of law; authorizing a civil cause of action; requiring restitution; amending K.S.A. 2020 Supp. 22-3424 and repealing the existing section, by Committee on Judiciary.

**SB 231**, AN ACT concerning crimes, punishment and criminal procedure; relating to hate crimes; increasing penalties for nondrug felony offenses motivated entirely or in part by the race, color, religion, ethnicity, national origin, gender identity or sexual orientation of the victim; amending K.S.A. 2020 Supp. 21-6804 and 21-6815 and repealing the existing sections, by Committee on Judiciary.

**SB 232**, AN ACT concerning education; providing for COVID-19 hazard pay for teachers; making and concerning appropriations for the fiscal years ending June 30, 2021, and June 30, 2022, for the department of education, by Committee on Education.

**SB 233**, AN ACT concerning sales taxation; relating to returns and payment of tax by retailers; increasing sales tax collection thresholds for time to file returns and payment; amending K.S.A. 79-3607 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 234**, AN ACT concerning property taxation; relating to valuation of certain mobile homes and manufactured homes; requiring use of the same valuation methodology therefor; amending K.S.A. 79-340 and repealing the existing section, by Committee on Assessment and Taxation.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **HB 2102**.

Assessment and Taxation: **SB 202, SB 216, SB 217**.

Commerce: **SB 203, SB 213, HB 2112**.

Education: **SB 208, SB 215**.

Federal and State Affairs: **SB 201, SB 209, SB 210; HB 2005**.

Financial Institutions and Insurance: **SB 199; HB 2072**.

Judiciary: **SB 204, SB 205, SB 206, SB 214; HB 2030, HB 2075**.

Public Health and Welfare: **SB 200, SB 207, SB 211, SB 212; HB 2062**.

Transportation: **HB 2167**.

#### **CHANGE OF REFERENCE**

An objection having been made to **SB 59** and **SB 65** appearing on the **Consent Calendar**, the President directed the bills be removed and placed on the calendar under the heading of **General Orders**.

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2014, HB 2063, HB 2064, HB 2081**.

Announcing passage of **HB 2050, HB 2074, HB 2103, HB 2109, HB 2134**.

Announcing passage of **SB 15**.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2014, HB 2050, HB 2063, HB 2064, HB 2074, HB 2081, HB 2103, HB 2109, HB 2134** were thereupon introduced and read by title.

On motion of Senator Suellentrop, the Senate recessed until the sound of the gavel.

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

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

On motion of Senator Petersen the following report was adopted:

**SB 61** be passed.

**SB 52, SB 66, SB 88** be passed over and retain a place on the calendar.

An amendment was offered on **SB 61** by Senator Holscher. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

Senator Holscher challenged the ruling of the chair.

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

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Absent or Not Voting: Estes.

The ruling of the chair was sustained.

Motion by Senator Petty to amend **SB 61** failed.

#### EXPLANATION OF VOTE

Mr. Chairman: I vote "NO" on affirming the ruling of the Rules Committee on finding the amendment proposed by the Senator from Johnson on inclusion of all categories of students as not germane to the bill. I protest this oversimplistic bully pulpit of the majority, when not wishing to debate potentially "controversial" language, suggest that the language is not germane. Such a sad and democratically-deadening process appears to more frequently manifest itself in this Chamber, in the Committee of the Whole, and even in certain standing Committees; as, coincidentally, it was misused in Judiciary just today. It is my earnest hope that this newfound trend will abate and that the majority will show more compunction in debating divergent issues and cease from this seemingly lazy ("uh, not germane") alternative.—DAVID HALEY

#### CONSIDERATION OF APPOINTMENTS

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

Senator Suellentrop moved the following appointments be confirmed as recommended by the Committees on **Assessment and Taxation** and **Public Health and Welfare**.

*By the Governor*

On the appointment to the:

*State Board of Tax Appeals, Chief Hearing Officer*

Thomas Browne, to serve a term ending January 15, 2025

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*University of Kansas Hospital Authority, Member*

David Dillon, to serve a term ending March 15, 2025

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Long Term Care Ombudsman, Ombudsman*

Camille Russell, to serve a term ending March 15, 2024

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Present and Passing: Tyson.

Absent or Not Voting: Estes.

The appointment was confirmed.

## FINAL ACTION ON CONSENT CALENDAR

**SB 4, SB 56, SB 68, SB 69** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**SB 4**, AN ACT concerning crimes, punishment and criminal procedure; relating to unlawfully tampering with electronic monitoring equipment; modifying criminal penalties; amending K.S.A. 2020 Supp. 21-6322 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes.

The bill passed.

**SB 56**, AN ACT concerning human trafficking; relating to notice offering help to victims of human trafficking; requiring certain businesses and public places to post such notice; amending K.S.A. 75-759 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes.

The bill passed.

**SB 68**, AN ACT concerning motor vehicles; relating to distinctive license plates; establishing a fee for firefighter license plates; amending K.S.A. 2020 Supp. 8-1,155 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes.

The bill passed.

**SB 69**, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the love, Chloe foundation license plate.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Estes.

The bill passed.

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

On motion of Senator Suellentrop an emergency was declared by a 2/3 constitutional majority, and **SB 61** was advanced to Final Action and roll call.

**SB 61**, AN ACT concerning education; relating to the tax credit for low income students scholarship program act; expanding student eligibility for the program; amending K.S.A. 2020 Supp. 72-4352, 72-4354 and 72-5178 and repealing the existing sections.

On roll call, the vote was: Yeas 23; Nays 14; Present and Passing 2; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Bowers, Claeys, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Steffen, Straub,

Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Hawk, Holland, Holscher, Longbine, McGinn, Pettey, Pittman, Sykes, Ware.

Present and Passing: Billinger, Haley.

Absent or Not Voting: Estes.

The bill passed.

#### EXPLANATION OF VOTE

Mr. President: Equal access to education creates stronger communities, attracts businesses, and develops a well-prepared workforce. This Legislature is intimately familiar with the consequences of under-funding our public schools – so why are we trying to repeat our failed history? The changes made to this bill take the focus off of at-risk children and allows private schools to hand-pick their students. And they get to do so with little accountability to the state taxpayers. I cannot support this bill which leaves our public schools with even fewer resources to help struggling students and sets us up for continued litigation by jeopardizing the constitutional funding of our schools.—

DINAH SYKES

Senators Corson, Holscher and Pettey request the record to show they concur with the “Explanation of Vote” offered by Senator Sykes on **SB 61**.

#### REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 49** be amended on page 1, in line 7, by striking "2041" and inserting "2024"; in line 23, by striking "2041" and inserting "2024"; and the bill be passed as amended.

Committee on **Commerce** recommends **SB 90, H Sub SB 91, SB 124** be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 86** be passed.

Committee on **Judiciary** recommends **SB 60, SB 103, SB 107** be passed.

Committee on **Public Health and Welfare** recommends **SB 77, SB 120** be passed.

Committee on **Public Health and Welfare** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

*Public Member, University of Kansas Hospital Authority: K.S.A. 76-3304*

Kevin Lockett, to serve a term ending on March 15, 2023

Committee on **Transportation** recommends **SB 67** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the Consent Calendar.

On motion of Senator Suellentrop, the Senate adjourned Pro Forma until 2:30 p.m., February 12, 2021.

# Journal of the Senate

TWENTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, February 12, 2021, 2:30 a.m.

The Senate was called to order Pro Forma by Senator Brenda Dietrich.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 235**, AN ACT concerning education; relating to student attendance; enacting the back to school act; requiring school districts to provide for a full-time, in person attendance option, by Committee on Federal and State Affairs.

**SB 236**, AN ACT establishing the Kansas commission for the United States semiquincentennial in the department of wildlife, parks and tourism; prescribing commission membership, responsibilities, meetings and expiration; creating the Kansas commission for the United States semiquincentennial gifts and donations fund. , by Committee on Ways and Means.

**SB 237**, AN ACT concerning healthcare providers; relating to uncompensated care; requiring the secretary of health and environment to establish a task force for the study and reporting thereof, by Committee on Public Health and Welfare.

**SB 238**, AN ACT concerning the behavioral sciences; relating to the behavioral sciences regulatory board; professions regulated thereby; reducing certain licensing requirements; requiring board approval to provide clinical social worker supervision; expanding the board's grounds for discipline; expanding temporary permits to practice and imposing requirements for extension thereof; amending K.S.A. 65-5804a, 65-5807a, 65-5808, 65-5809, 65-6309a, 65-6311, 65-6314, 65-6404, 65-6405a, 65-6408, 65-6610, 65-6612, 65-6615, 74-5316a, 74-5324, 74-5363, 74-5367a and 74-5369 and K.S.A. 2020 Supp. 65-6306 and 65-6411 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 239**, AN ACT concerning public assistance; relating to food assistance; limitations; authorizing the secretary for children and families to request a waiver from work requirements in the food assistance program if there are insufficient jobs; amending K.S.A. 2020 Supp. 39-709 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 240**, AN ACT concerning state finances; relating to drug rebate revenues associated with medical assistance enrollees; requiring deposit thereof into the state general fund; reporting thereof, by Committee on Public Health and Welfare.

**SB 241**, AN ACT concerning children and minors; relating to former foster care youth; allowing for state-provided health insurance for children adopted out of foster care; amending K.S.A. 2020 Supp. 38-2001 and repealing the existing section, by

Committee on Public Health and Welfare.

**SB 242**, AN ACT concerning financial institutions; relating to consumer and mortgage lending; consolidating certain mortgage lending provisions and removing duplicate provisions from the uniform consumer credit code and incorporating such provisions into the Kansas mortgage business act; amending K.S.A. 16-207d, 16a-1-108, 16a-1-301, 16a-2-103, 16a-2-201, 16a-2-202, 16a-2-401, 16a-5-201 and 40-1209 and K.S.A. 2020 Supp. 9-2201, 9-2202, 9-2203, 9-2205, 9-2208, 9-2209, 9-2211, 9-2212, 9-2216a, 9-2220, 16-207, 16a-2-301, 16a-2-302, 16a-2-310, 16a-3-308, 16a-6-104 and 16a-6-108 and repealing the existing sections; also repealing K.S.A. 16a-2-307, 16a-3-207 and 16a-3-308a and K.S.A. 2020 Supp. 16a-1-303 and 16a-2-303a, by Committee on Financial Institutions and Insurance.

**SB 243**, AN ACT concerning transportation; relating to peer-to-peer vehicle sharing; establishing insurance requirements; liability; recordkeeping requirements; consumer protection provisions; enacting the peer-to-peer vehicle sharing program act; amending K.S.A. 2020 Supp. 50-656 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 244**, AN ACT concerning insurance; relating to the regulation of pharmacy benefits managers; providing for enhanced oversight thereof; requiring licensure rather than registration of such entities; amending K.S.A. 2020 Supp. 40-3821, 40-3822, 40-3823, 40-3824, 40-3825, 40-3826, 40-3827, 40-3829 and 40-3830 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 245**, AN ACT concerning the state corporation commission; relating to electric public utilities; pertaining to financing therefor; authorizing the approval and issuance of energy transition bonds; enacting the Kansas grid resiliency, innovation and dependability act; amending K.S.A. 66-1239 and K.S.A. 2020 Supp. 84-9-109 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 246**, AN ACT concerning criminal procedure; relating to forensic evidence collection; providing procedures and limitations thereon; clarifying liability for unlawful conduct under the Kansas tort claims act; amending K.S.A. 22-2520, 22-2523 and 22-2524 and repealing the existing sections, by Committee on Judiciary.

**SB 247**, AN ACT concerning law enforcement; relating to certification and hiring of law enforcement officers; prohibiting hiring of officers fired for egregious offenses; requiring psychological testing and firearms and use of force training; amending K.S.A. 74-5605 and 74-5617 and repealing the existing sections, by Committee on Judiciary.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **HB 2103**.

Assessment and Taxation: **SB 222, SB 226, SB 228, SB 233, SB 234**.

Commerce: **SB 219**.

Education: **SB 221**.

Financial Institutions and Insurance: **SB 218, SB 225; HB 2063, HB 2064, HB 2074, HB 2134**.

Judiciary: **SB 220, SB 229, SB 230, SB 231; HB 2081, HB 2109**.

Public Health and Welfare: **SB 227**.

Transparency and Ethics: **HB 2050**.

Transportation: **SB 224; HB 2014.**

Utilities: **SB 223.**

Ways and Means: **SB 232.**

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2001, HB 2120, HB 2121, HB 2165.**

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2001, HB 2120, HB 2121, HB 2165** were thereupon introduced and read by title.

#### **STANDING COMMITTEE REPORTS**

Committee on **Commerce** recommends to the Senate the approval of **ERO No. 48** and the introduction and adoption of the Senate resolution that accompanies this report.

SENATE RESOLUTION No. 1709—

By Committee on Commerce

A RESOLUTION approving Executive Reorganization Order No. 48, transferring the division of tourism and the office of the director of tourism from the Kansas department of wildlife, parks and tourism to the department of commerce.

*Be it resolved by the Senate of the State of Kansas:* That Executive Reorganization Order No. 48 is hereby approved; and

*Be it further resolved:* That the secretary of senate shall transmit a copy of this resolution to the governor and the secretary of state; and

*Be it further resolved:* That the secretary of state shall cause this resolution to be published in the session laws to show permanently the approval of Executive Reorganization Order No. 48 by the Senate.

#### **TRIBUTES**

Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of February 8 through February 12, 2021:

Senator Dietrich: congratulating Christopher Wells on achieving the rank of Eagle Scout, congratulating Tanner Carter on achieving the rank of Eagle Scout, congratulating James Woods on achieving the rank of Eagle Scout, congratulating Parker Wise on achieving the rank of Eagle Scout, congratulating Luke Webber on achieving the rank of Eagle Scout, congratulating Chase Newell on achieving the rank of Eagle Scout, congratulating Kaden Jueneman on achieving the rank of Eagle Scout, congratulating Alejandro Calderon on achieving the rank of Eagle Scout, congratulating Sage Adair on achieving the rank of Eagle Scout, congratulating Zachary Sage on achieving the rank of Eagle Scout.

On motion of Senator Kloos, the Senate adjourned Pro Forma until 2:30 p.m., February 15, 2021.

# Journal of the Senate

TWENTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, February 15, 2021, 2:30 p.m.

The Senate was called to order Pro Forma by Senator Rick Kloos.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 236**.

Education: **SB 235**.

Financial Institutions and Insurance: **SB 242, SB 243, SB 244, SB 245**.

Judiciary: **SB 246, SB 247, HB 2001, HB 2120, HB 2121**.

Public Health and Welfare: **SB 237, SB 238, SB 239, SB 240, SB 241**.

Transportation: **HB 2165**.

On motion of Senator Fagg, the Senate adjourned Pro Forma until 2:30 p.m., February 16, 2021.

# Journal of the Senate

TWENTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, February 16, 2021, 2:30 p.m.

The Senate was called to order Pro Forma by Vice President Rick Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 248**, AN ACT concerning health and healthcare; relating to the practice of telemedicine; pertaining to the Kansas telemedicine act; updating certain definitions; requiring referral to specialists and coordination of care under certain circumstances; amending K.S.A. 2020 Supp. 40-2,211 and 40-2,212 and repealing the existing sections, by Committee on Ways and Means.

**SB 249**, AN ACT concerning state agencies; relating to information technology projects; reporting requirements; information technology executive council; standards for review; amending K.S.A. 75-7201, 75-7205, 75-7206, 75-7208, 75-7209, 75-7210 and 75-7211 and repealing the existing sections, by Committee on Ways and Means.

**SB 250**, AN ACT concerning state agencies; requiring information technology security training; cybersecurity status reports; amending K.S.A. 75-7239, 75-7240 and 75-7242 and repealing the existing sections, by Committee on Ways and Means.

**SB 251**, AN ACT concerning the state board of pharmacy; relating to powers, duties and functions thereof; pertaining to confidentiality of investigations, inspections and audits; licensing; registration and permitting requirements; exhibition of titles; fees; prescription orders; defining telepharmacy and requiring rules and regulations be adopted for oversight and administration thereof; amending K.S.A. 65-636, 65-1627, 65-1631, 65-1637, 65-1643, 65-1645, 65-1656, 65-1657, 65-1658, 65-1663 and 65-1676 and K.S.A. 2020 Supp. 65-1626 and repealing the existing sections, by Committee on Ways and Means.

**SB 252**, AN ACT concerning alcoholic liquor; relating to wineries; special shipping order licensees; creating fulfillment house licensure; authorizing the storage and shipment of alcoholic liquors for a special order shipping licensee; amending K.S.A. 2020 Supp. 41-102 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 253**, AN ACT concerning alcoholic liquor; relating to farm wineries and winery outlets; percentage of Kansas products, requirements; allowing licensees to transfer and receive bulk wine and produce fortified wine; amending K.S.A. 2020 Supp. 41-308a and 41-352 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 254**, AN ACT concerning alcoholic beverages; relating to the sale of cereal malt

beverages; authorizing certain licensees under the Kansas liquor control act and the club and drinking establishment act to sell and serve cereal malt beverages; amending K.S.A. 41-2604 and 41-2619 and K.S.A. 2020 Supp. 41-308, 41-1201, 41-1202, 41-1203, 41-1204, 41-2601, 41-2608, 41-2610, 41-2611, 41-2613, 41-2614, 41-2623, 41-2637, 41-2641, 41-2642, 41-2643, 41-2653, as amended by section 1 of 2021 Senate Bill No. 14, 41-2655, 41-2658 and 41-2659 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 255**, AN ACT concerning alcoholic liquor; relating to the Kansas liquor control act and the club and drinking establishment act; providing for suspension or revocation of licenses for violations of orders issued by the director; amending K.S.A. 2020 Supp. 41-320a and 41-2611 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 256**, AN ACT concerning alcoholic liquor; restricted hours and days of sales; authorizing issuance of cereal malt beverage retailers' licenses to producers; sale in retail liquor stores; relating to the sale of cereal malt beverage in the original package; amending K.S.A. 2020 Supp. 41-712, 41-2703, 41-2704 and 41-2911 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 257**, AN ACT concerning alcoholic beverages; relating to retailers, clubs and drinking establishments; allowing the removal of beer and cereal malt beverage from licensed premises; amending K.S.A. 2020 Supp. 41-308 and 41-2653, as amended by section 1 of 2021 Senate Bill No. 14, and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 258**, AN ACT concerning alcoholic liquor; relating to wineries; special order shipping licenses; license terms; requiring electronic submission of gallonage taxes; amending K.S.A. 2020 Supp. 41-350 and repealing the existing section, by Committee on Federal and State Affairs.

## REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 78** be amended on page 1, by striking all in line 17 through 36;

On page 2, by striking all in lines 1 through 21;

On page 3, in line 14, after "(4)" by inserting ""Service contract" does not include an automobile club service contract. As used in this paragraph:

(A) "Automobile club" means any person who, in consideration of dues, assessments or periodic payments of money, promises its members or subscribers to assist such members or subscribers in matters relating to travel and the operation, use and maintenance of an automobile by supplying features or services or reimbursement thereof, including, but not limited to:

(i) Services such as community traffic safety services, travel and touring service, theft or reward service, map service, towing service, emergency road service, bail bond service and legal fee reimbursement service in the defense of traffic offenses, and such enumerated features or services, if provided by the automobile club itself, shall be subject to the insurance laws of this state;

(ii) the purchase of accidental injury and death benefits insurance coverage issued, as provided by applicable statutes, by an insurance company authorized to do business in Kansas; and

(iii) other features or services not deemed by the commissioner to constitute the

business of insurance.

(B) "Person" means any person, firm, partnership, corporation or association that conducts an automobile club service business in this state.

(C) An automobile service contract shall contain the following information:

- (i) The corporate name or other name of the club;
- (ii) the location of its home office and its usual place of business in the state, if any, listing the street address and city; and
- (iii) provisions clearly specifying:

(a) A description of the services or benefits to which the member is entitled;

(b) the territory wherein such services are to be rendered; and

(c) the dates when such service will commence and terminate.

(5)";

On page 14, in line 42, by striking "40-103,";

And by renumbering sections accordingly;

On page 1, in the title, in line 10, by striking "40-103,"; and the bill be passed as amended.

#### **REPORTS ON ENROLLED BILLS**

**SB 15**, reported correctly enrolled, properly signed and presented to the Governor on February 16, 2021.

On motion of Senator Suellentrop, the Senate adjourned until 2:30 p.m., Wednesday, February 17, 2021.

# Journal of the Senate

TWENTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 17, 2021, 2:30 p.m.

The Senate was called to order by President Ty Masterson.  
The roll was called with 39 senators present.  
Invocation by Reverend Cecil T. Washington:

Absent From The Body; Present With The Lord!  
2 Corinthians 5:1-11, Matthew 25:21

Heavenly Father, as Your servants, we are gathering again today to be used by You in the service of Your people. But in the process Lord, we find that You've pulled one from our midst. When the roll is called in this place, our brother, Bud Estes, won't be answering. Because You have called that faithful servant home to be with You.

When it comes to people of faith, Your Word says, in 2 Corinthians 5:1-11, "Absent from the body, present with the Lord." When we die and leave this earthly body, we will have an eternal body made for us by You, and not by any human devices. And while we grow weary in these present bodies that are dying, we look forward to putting on new incorruptible bodies that will never die. And as a guarantee to Bud, and to all who have faith in You, You've given us Your Holy Spirit to settle and confirm our faith.

So Lord, while we're here, dwelling in these bodies, remind us that our ultimate goal is to be pleasing You. So, remind us of the awesome responsibility that we have, for we must all face You one day, to receive whatever we deserve. And along with Bud, and so many of the faithful, we want to hear from You the words in Matthew 25:21, "Good and faithful servant, Well done!"

Lord, let the confidence expressed in these lyrics reflect our faith; "When the saved diverse shall gather, over on the other shore; And the roll is called up yonder, I'll be there!"

Please comfort Bud's wife Renae, his family and those of us who are missing his presence.

Lord, I come to You in the precious Name of Jesus, Amen!

The Pledge of Allegiance was led by President Masterson.

## POINT OF PERSONAL PRIVILEGE

Senator Peck rose on a Point of Personal Privilege to share the following comments: Today, America lost one of the great ones. At the age of 70, Rush Limbaugh lost his battle with lung cancer. The thoughts and prayers of many go out to his wife Katherine, his brother David and the rest of Rush's family. Rush launched a national radio show in

August of 1988 – the month I turned 29 years of age. His radio program not only saved many AM stations, but it gave voice to freedom-loving Americans across the United States. Many who listened to Rush in the early days quickly became “Dito-heads”. And businesses, primarily restaurants, in many locations set aside “Rushrooms” where fans could enjoy a meal and listen to Rush’s radio show. Millions of conservatives daily attended the Limbaugh Institute of Advance Conservative Studies – I was one of those. Rush inspired many ordinary Americans to get involved in local issues, local politics, and state and federal politics by running for office. I was one of those whom Rush inspired to become involved. In April of 1991 I was elected to my local school board. At that time (31 years of age), I had no idea or aspirations of becoming a State Senator – but here I am. A year ago this month, on February 4, 2020, President Trump honored Mr. Limbaugh when he presented him with the highest civilian honor – The Presidential Medal of Freedom. Rush and his talent will be missed. However, Rush frequently said he had, “Talent on loan from GOD.” Today, February 17, 2021, God asked for Rush to give that talent back. Who will He choose to give it to next? Rest in Peace Mr. Limbaugh, rest in peace...

#### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 259**, AN ACT concerning workers compensation; providing for admission of a healthcare provider's medical report as testimony of the healthcare provider without necessity of other foundational evidence; amending K.S.A. 2020 Supp. 44-516 and repealing the existing section, by Committee on Ways and Means.

**SB 260**, AN ACT concerning political advertising; relating to endorsement of candidates and office holders; amending K.S.A. 2020 Supp. 25-4156 and repealing the existing section, by Committee on Ways and Means.

**SB 261**, AN ACT concerning the Kansas asbestos control program; establishing the asbestos remediation fund; specifying the expenditure of moneys therefrom; crediting certain fees and penalties therein; amending K.S.A. 65-5309 and 65-5314 and repealing the existing sections, by Committee on Ways and Means.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 252, SB 253, SB 254, SB 255, SB 256, SB 257, SB 258.**

Public Health and Welfare: **SB 248, SB 251.**

Ways and Means: **SB 249, SB 250.**

On motion of Senator Suellentrop, the Senate recessed until the sound of the gavel.

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

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

On motion of Senator Bowers the following report was adopted:

**SB 60, SB 88, SB 103, SB 107** be passed.

An amendment was offered by Senator Haley on **SB 60**. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

**SB 52, SB 85** be amended by the adoption of the committee amendments, and the bills be passed as amended.

### CONSIDERATION OF APPOINTMENTS

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

Senator Alley moved the following appointment be confirmed as recommended by the Committee on **Public Health and Welfare**.

*By the Governor*

On the appointment to the:

*University of Kansas Hospital Authority:*

Kevin Lockett, to serve a term ending March 15, 2023

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The appointment was confirmed.

### FINAL ACTION ON CONSENT CALENDAR

**SB 67, SB 118** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**SB 67**, AN ACT concerning motor vehicles; relating to all-terrain vehicles and recreational off-highway vehicles; expanding the definitions thereof; amending K.S.A. 2020 Supp. 8-126 and 8-1402a and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

**SB 118**, AN ACT concerning municipalities; relating to the dissolution of special districts and assumption of responsibilities by cities or counties.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson,

Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Pyle.

The bill passed.

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Judiciary** recommends **SB 8** be passed.

Also, **SB 204** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **SB 95, SB 99** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Thursday, February 18, 2021.

# Journal of the Senate

TWENTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 18, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.  
The roll was called with 38 senators present.  
Senator Hawk was excused.  
Invocation by Reverend Cecil T. Washington:

The Unknown God, Made Known By His People!  
Psalm 139:1-18, Luke 6:27-36, Micah 6:8

Dear God, Creator of Heaven and earth, You are omnipotent, in that You possess all power. You are Omniscient, in that You possess all knowledge. And You are omnipresent. You are everywhere simultaneously, according to Psalm 139:1-12. You are God and God all by Yourself. There is no creature in Heaven or on Earth or under the Earth that can compare. The magnitude of Your authority is incomprehensible. Lord, it has properly been said that these little pea brains of ours can't even begin to know, or appreciate the utter immensity of Who You are. Oh, but because You are good, loving and merciful, You have chosen to reveal, and impart, some of Your Godly qualities to us, that in some small ways we might become walking illustrations of Who You are.

Lord, that's why, in Luke 6:27-28, You say to those of us that are willing to listen, "Love your enemies! Do good to those who hate you. Bless those who curse you. And pray for those who hurt you." How can we then, as Your people, say we love You and not love what You love? In Micah 6:8, You tell us what is good, and what You require; that we do good, love mercy and live in humility before You.

So, Lord, as we make our journey through this life, help us to be role models, walking demonstrations of Your goodness, Your love and Your mercy. In the Name of Him, Who loved us to death, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 262**, AN ACT concerning gaming; relating to racetrack facilities; prohibiting greyhound and all other forms of dog racing and betting on any form of dog racing; abolishing the Kansas greyhound breeding development fund, greyhound tourism fund, greyhound promotion and development fund and live greyhound racing purse supplement fund, disposition of moneys held therein; authorizing a vote to permit electronic gaming machines at a racetrack gaming facility in Sedgwick county;

establishing the Kansas horse council fund, privilege fee repayment fund and racetrack gaming facility management repayment fund; amending K.S.A. 74-8716, 74-8734, 74-8741, 74-8743, 74-8746, 74-8747, 74-8766, 74-8767, 74-8801, 74-8802, 74-8804, 74-8805, 74-8806, 74-8808, 74-8810, 74-8811, 74-8812, 74-8813, 74-8814, 74-8815, 74-8816, 74-8818, 74-8819, 74-8820, 74-8821, 74-8822, 74-8823, 74-8825, 74-8826, 74-8827, 74-8836, 74-8838 and 75-6102 and repealing the existing sections; also repealing K.S.A. 74-8831, 74-8832 and 74-8842, by Committee on Federal and State Affairs.

**SB 263**, AN ACT concerning income taxation; relating to the child day care services assistance tax credit; increasing the amount of the credit for years following facility establishment; providing a credit for employer payments to an organization providing access to employees for child day care services; expanding eligible taxpayers; amending K.S.A. 79-32,190 and repealing the existing section, by Committee on Ways and Means.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 261**.

Commerce: **SB 259**.

Transparency and Ethics: **SB 260**.

### MESSAGES FROM THE GOVERNOR

Enclosed herewith is Executive Directive 21-01 and 21-02 for your information (January 26, 2021)

Enclosed herewith is Executive Directive 21-03 for your information. (February 12, 2021)

February 11, 2021

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*Member, State Banking Board*, Joseph Jeter, Hays, (D), pursuant to the authority vested in me by K.S.A. 74-3004, and effective upon the date of confirmation by the Senate, to serve a term of three years, to succeed Brian Weisel.

*Judge, Kansas Court of Appeals*, Jacy Hurst, Douglas County, (U), pursuant to the authority vested in me by K.S.A. 20-3020 and effective upon the date of confirmation by the Senate, to serve a term of four years subject to retention for successive terms by public vote, to succeed Judge Melissa Standridge.

February 12, 2021

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Laura Kelly  
Governor

*Member, KPERS Board of Trustees*, Kathleen VonAchen, Kansas City, (D), pursuant to the authority vested in me by K.S.A. 74-4905, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed Kelly Arnold.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2007, HB 2070, HB 2076, HB 2087, HB 2096, HB 2104, HB 2115, HB 2158, HB 2172, HB 2178, HB 2187.**

Announcing passage of **HB 2124, HB 2151, HB 2155.**

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2007, HB 2070, HB 2076, HB 2087, HB 2096, HB 2104, HB 2115, HB 2124, HB 2151, HB 2155, HB 2158, HB 2172, HB 2178, HB 2187** were thereupon introduced and read by title.

On motion of Senator Suellentrop, the Senate recessed until the sound of the gavel.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Erickson the following report was adopted:

**SB 65, SB 66, SB 77** be passed.

**SB 49** be amended by the adoption of the committee amendments, and the bill be passed as amended.

A motion by Senator Steffen to further amend **SB 66** failed and the following amendment was rejected; on page 3, in line 7, by striking "2026" and inserting "2024"; in line 9, after the semicolon by inserting "and"; in line 11, by striking "2022" and inserting "2024"; in line 13, by striking the semicolon; by striking all in lines 14 through 16; in line 17, by striking all before the period; in line 18, after "may" by inserting "not"; in line 19, by striking "until"; also in line 19, by striking "tax year 2026".

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

On roll call, the vote was: Yeas 13; Nays 23; Present and Passing 1; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Bowers, Erickson, Gossage, Kerschen, Masterson, McGinn, Peck, Steffen, Straub, Thompson, Tyson.

Nays: Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Haley, Hilderbrand, Holland, Holscher, Kloos, Longbine, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Suellentrop, Sykes, Ware, Wilborn.

Present and Passing: Warren.

Absent or Not Voting: Billinger, Hawk.

The amendment failed.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 52**, AN ACT establishing the Sedgwick county urban area nuisance abatement act, was considered on final action.

On roll call, the vote was: Yeas 29; Nays 9; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Petersen, Pettey, Steffen, Suellentrop, Sykes, Ware, Warren, Wilborn.

Nays: Haley, Hilderbrand, Olson, Peck, Pittman, Pyle, Straub, Thompson, Tyson.

Absent or Not Voting: Hawk.

The bill passed, as amended.

**SB 60**, AN ACT concerning crimes, punishment and criminal procedure; relating to jurisdictional application; defining proximate result for purposes of determining when a crime is committed partly within this state; amending K.S.A. 2020 Supp. 21-5106 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Hawk.

The bill passed.

**SB 85**, AN ACT concerning children and minors; relating to foster care; requiring notification by a foster care case management contractor and the Kansas department for children and families of certain situations involving children, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Hawk.

The bill passed, as amended.

**EXPLANATION OF VOTE**

Mr. President: I am happy to vote in support of this bill, which codifies transparency from our Department of Children and Families. Transparency helps us keep our agencies accountable, and I am hopeful that through legislation like this, we can better protect vulnerable Kansas children. I do, however, want to raise a concern about this bill. My county sheriff's office testified in opposition to this bill because of a concern that the reporting criteria would supersede existing DCF policy, which requires

immediate reporting to law enforcement if a child is missing. We know that the first few hours are the most crucial in missing persons cases. We need to ensure we are not inadvertently hampering our law enforcement's ability to begin searching for a child. I hope that the House will address this discrepancy and carefully consider the privacy considerations of these children when reviewing this bill and its reporting requirements.

—DINAH SYKES

**SB 88**, AN ACT concerning cities; relating to the vacation or exclusion of territory or easements; providing procedure to challenge certain decisions of a city; amending K.S.A. 12-504 and 12-505 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Olson.

Absent or Not Voting: Hawk.

The bill passed.

**SB 103**, AN ACT concerning the Kansas power of attorney act; relating to the effectiveness of a power of attorney; exemption of third persons from liability in certain circumstances; amending K.S.A. 58-658 and K.S.A. 2020 Supp. 58-652 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Hawk.

The bill passed.

**SB 107**, AN ACT enacting the uniform fiduciary income and principal act; repealing the uniform principal and income act (1997); amending K.S.A. 2020 Supp. 58a-103 and repealing the existing section; also repealing K.S.A. 58-9-101, 58-9-102, 58-9-103, 58-9-104, 58-9-201, 58-9-202, 58-9-301, 58-9-302, 58-9-303, 58-9-401, 58-9-402, 58-9-403, 58-9-404, 58-9-405, 58-9-406, 58-9-407, 58-9-408, 58-9-410, 58-9-411, 58-9-412, 58-9-413, 58-9-414, 58-9-415, 58-9-501, 58-9-502, 58-9-503, 58-9-504, 58-9-506, 58-9-601, 58-9-602 and 58-9-603 and K.S.A. 2020 Supp. 58-9-105, 58-9-106, 58-9-409, 58-9-505 and 58-9-606, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck,

Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Hawk.

The bill passed.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Suellentrop an emergency was declared by a 2/3 constitutional majority, and **SB 49**, **SB 65**, **SB 66** and **SB 77** were advanced to Final Action and roll call.

**SB 49**, AN ACT concerning income taxation; relating to credits; extending the time period and expanding eligibility for the single city port authority credit; amending K.S.A. 79-32,212 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Hawk.

The bill passed, as amended.

**SB 65**, AN ACT concerning economic development; relating to the high performance incentive fund; workforce training program participation requirements; amending K.S.A. 74-50,133 and 79-32,160a and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Hawk.

The bill passed.

**SB 66**, AN ACT concerning economic development; relating to the Kansas angel investor tax credit act; qualified securities; tax credit limitations and amounts; investor requirements; qualified Kansas business designation requirements; bioscience businesses; program expiration date; amending K.S.A. 74-8132, 74-8133 and 74-8136 and repealing the existing sections.

On roll call, the vote was: Yeas 26; Nays 12; Present and Passing 0; Absent or Not Voting 1.

Yeas: Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Kloos, Longbine, Masterson, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Suellentrop, Sykes, Ware, Warren, Wilborn.

Nays: Alley, Baumgardner, Erickson, Gossage, Hilderbrand, Kerschen, McGinn, Peck, Steffen, Straub, Thompson, Tyson.

Absent or Not Voting: Hawk.

The bill passed.

**SB 77**, AN ACT concerning health professions and practices; relating to audiologists and speech-language pathologists; licensure; enacting the audiology and speech-language pathology interstate compact.

On roll call, the vote was: Yeas 35; Nays 3; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Pyle, Steffen, Tyson.

Absent or Not Voting: Hawk.

The bill passed.

### CHANGE OF REFERENCE

The President withdrew **HB 2008** from the Committee on **Judiciary**, and referred the bill to the Committee on **Federal and State Affairs**.

The President withdrew **SB 30** from the Calendar under the heading of **General Orders**, and referred the bill to the Committee on **Financial Institutions and Insurance**.

### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

*Chairperson, Kansas Water Authority: K.S.A. 74-2622*

Dawn Buehler, to serve at the pleasure of the Governor

Committee on **Federal and State Affairs** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

*Brigadier General and Director of the Joint Staff, Kansas National Guard: K.S.A. 48-208*

Col. Michael Venerdi, to serve at the pleasure of the Governor

Committee on **Utilities** recommends **SB 172** be amended on page 2, in line 12, by striking all after "(f)"; by striking all in lines 13 through 26; in line 27, by striking "(g)" and inserting "Nothing in this section shall be construed to prevent:

(1) An owner or operator of a critical infrastructure facility that has been damaged from pursuing any other remedy in law or equity; or

(2)";

Also on page 2, also in line 27, by striking "may also be" and inserting "from being"; in line 31, by striking "(h)" and inserting "(g)";

On page 3, in line 3, by striking "water intake structure, water treatment facility," and inserting "water supply diversion, production, treatment, storage or distribution facility and appurtenances, including, but not limited to, underground pipelines and a"; in line

8, after "supplies" by inserting "and cable television headend";

On page 8, following line 4, by inserting:

"Sec. 3. K.S.A. 2020 Supp. 21-6604 is hereby amended to read as follows: 21-6604. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

(1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

(2) impose the fine applicable to the offense and may impose the provisions of subsection (q);

(3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567 or 8-2,144, and amendments thereto, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence;

(4) assign the defendant to a community correctional services program as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(5) assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;

(6) assign the defendant to a house arrest program pursuant to K.S.A. 2020 Supp. 21-6609, and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by K.S.A. 2020 Supp. 21-6602(c), and amendments thereto;

(8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity that materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant, if one of the current crimes of conviction of the defendant includes escape from custody or aggravated escape from custody, as defined in K.S.A. 2020 Supp. 21-5911, and amendments thereto; repay expenses incurred by a fire district, fire department or fire company responding to a fire that has been determined to be arson or aggravated arson as defined in K.S.A. 2020 Supp. 21-5812, and amendments thereto, if the defendant is convicted of such crime; repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation that leads to the defendant's conviction; or repay the amount of any medical costs and expenses incurred by any law enforcement agency or county. Such repayment of the amount of any such costs and expenses incurred by a county, law enforcement agency, fire district, fire department or fire company or any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund

from which the public funds were credited to prior to use by the county, law enforcement agency, fire district, fire department or fire company;

(9) order the defendant to pay the administrative fee authorized by K.S.A. 22-4529, and amendments thereto, unless waived by the court;

(10) order the defendant to pay a domestic violence special program fee authorized by K.S.A. 20-369, and amendments thereto;

(11) if the defendant is convicted of a misdemeanor or convicted of a felony specified in K.S.A. 2020 Supp. 21-6804(i), and amendments thereto, assign the defendant to work release program, other than a program at a correctional institution under the control of the secretary of corrections as defined in K.S.A. 75-5202, and amendments thereto, provided such work release program requires such defendant to return to confinement at the end of each day in the work release program. On a second or subsequent conviction of K.S.A. 8-1567, and amendments thereto, an offender placed into a work release program shall serve the total number of hours of confinement mandated by that section;

(12) order the defendant to pay the full amount of unpaid costs associated with the conditions of release of the appearance bond under K.S.A. 22-2802, and amendments thereto;

(13) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12); or

(14) suspend imposition of sentence in misdemeanor cases.

(b) (1) In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant's crime. Restitution shall be due immediately unless: (A) The court orders that the defendant be given a specified time to pay or be allowed to pay in specified installments; or (B) the court finds compelling circumstances that would render restitution unworkable, either in whole or in part. In regard to a violation of K.S.A. 2020 Supp. 21-6107, and amendments thereto, such damage or loss shall include, but not be limited to, attorney fees and costs incurred to repair the credit history or rating of the person whose personal identification documents were obtained and used in violation of such section, and to satisfy a debt, lien or other obligation incurred by the person whose personal identification documents were obtained and used in violation of such section. In regard to a violation of K.S.A. 2020 Supp. 21-5801, 21-5807-~~08~~, 21-5813 or 21-5818, and amendments thereto, such damage or loss shall include the cost of repair or replacement of the property that was damaged, the reasonable cost of any loss of production, crops and livestock, reasonable labor costs of any kind, reasonable material costs of any kind and any reasonable costs that are attributed to equipment that is used to abate or repair the damage to the property. If the court finds restitution unworkable, either in whole or in part, the court shall state on the record in detail the reasons therefor.

(2) If the court orders restitution, the restitution shall be a judgment against the defendant that may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the restitution order, and the victim to whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 60-4301 et seq., and amendments thereto, the court shall assign an agent procured by the judicial administrator pursuant to K.S.A. 20-169, and amendments

thereto, to collect the restitution on behalf of the victim. The chief judge of each judicial district may assign such cases to an appropriate division of the court for the conduct of civil collection proceedings.

(3) If a restitution order entered prior to the effective date of this act does not give the defendant a specified time to pay or set payment in specified installments, the defendant may file a motion with the court prior to December 31, 2020, proposing payment of restitution in specified installments. The court may recall the restitution order from the agent assigned pursuant to K.S.A. 20-169, and amendments thereto, until the court rules on such motion. If the court does not order payment in specified installments or if the defendant does not file a motion prior to December 31, 2020, the restitution shall be due immediately.

(c) In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by K.S.A. 2020 Supp. 21-6602(d), and amendments thereto.

(d) In addition to any of the above, the court shall order the defendant to reimburse the county general fund for all or a part of the expenditures by the county to provide counsel and other defense services to the defendant. Any such reimbursement to the county shall be paid only after any order for restitution has been paid in full. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court that sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(e) In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole, conditional release or postrelease supervision.

(f) (1) When a new felony is committed while the offender is incarcerated and serving a sentence for a felony, or while the offender is on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony, a new sentence shall be imposed consecutively pursuant to the provisions of K.S.A. 2020 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(2) When a new felony is committed during a period of time when the defendant would have been on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony had the defendant not been granted release by the court pursuant to K.S.A. 2020 Supp. 21-6608(d), and amendments thereto, or the prisoner review board pursuant to K.S.A. 22-3717, and amendments thereto, the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a

nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(3) When a new felony is committed while the offender is incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671, prior to its repeal, or K.S.A. 2020 Supp. 38-2373, and amendments thereto, for an offense, which if committed by an adult would constitute the commission of a felony, upon conviction, the court shall sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. The conviction shall operate as a full and complete discharge from any obligations, except for an order of restitution, imposed on the offender arising from the offense for which the offender was committed to a juvenile correctional facility.

(4) When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, or similar provisions of the laws of another jurisdiction, a new sentence may be imposed consecutively pursuant to the provisions of K.S.A. 2020 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(g) Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, and whose offense does not meet the requirements of K.S.A. 2020 Supp. 21-6824, and amendments thereto, prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, and whose offense does not meet the requirements of K.S.A. 2020 Supp. 21-6824, and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendments thereto, or a community intermediate sanction center. Pursuant to this subsection the defendant shall not be sentenced to imprisonment if space is available in

a conservation camp or community intermediate sanction center and the defendant meets all of the conservation camp's or community intermediate sanction center's placement criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or community intermediate sanction center.

(h) In committing a defendant to the custody of the secretary of corrections, the court shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.

(i) In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court that sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

(j) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office or impose any other civil penalty as a result of conviction of crime.

(k) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(l) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary's custody if the inmate:

(1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, for an offense that is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, or for an offense that is classified in grid blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, and such offense does not meet the requirements of K.S.A. 2020 Supp. 21-6824, and amendments thereto; and

(2) otherwise meets admission criteria of the camp.

If the inmate successfully completes a conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by K.S.A. 2020 Supp. 21-6608, and amendments thereto.

(m) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.

(n) (1) Except as provided by K.S.A. 2020 Supp. 21-6630 and 21-6805(f), and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 2020 Supp. 21-5706, and amendments thereto, the court shall require the defendant who meets the requirements established in K.S.A. 2020 Supp. 21-6824, and amendments thereto, to participate in a certified drug abuse treatment program, as provided in K.S.A. 75-52,144, and amendments thereto, including, but not limited to, an approved after-care plan. The amount of time spent participating in such program shall not be credited as service on the underlying prison sentence.

(2) If the defendant fails to participate in or has a pattern of intentional conduct that demonstrates the defendant's refusal to comply with or participate in the treatment program, as established by judicial finding, the defendant shall be subject to sanction or revocation pursuant to the provisions of K.S.A. 22-3716, and amendments thereto. If the defendant's probation is revoked, the defendant shall serve the underlying prison sentence as established in K.S.A. 2020 Supp. 21-6805, and amendments thereto.

(A) Except as provided in subsection (n)(2)(B), for those offenders who are convicted on or after July 1, 2003, but prior to July 1, 2013, upon completion of the underlying prison sentence, the offender shall not be subject to a period of postrelease supervision.

(B) Offenders whose crime of conviction was committed on or after July 1, 2013, and whose probation is revoked pursuant to K.S.A. 22-3716(c), and amendments thereto, or whose underlying prison term expires while serving a sanction pursuant to K.S.A. 22-3716(c)(1), and amendments thereto, shall serve a period of postrelease supervision upon the completion of the underlying prison term.

(o) (1) Except as provided in paragraph (3), in addition to any other penalty or disposition imposed by law, upon a conviction for unlawful possession of a controlled substance or controlled substance analog in violation of K.S.A. 2020 Supp. 21-5706, and amendments thereto, in which the trier of fact makes a finding that the unlawful possession occurred while transporting the controlled substance or controlled substance analog in any vehicle upon a highway or street, the offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state shall be suspended for one year.

(2) Upon suspension of a license pursuant to this subsection, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or

revocation of the person's privilege to operate a motor vehicle is in effect.

(3) (A) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any person as provided in paragraph (1), the judge of the court in which such person was convicted may enter an order that places conditions on such person's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one year.

(B) Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license, which shall indicate on its face that conditions have been imposed on such person's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator of such person's state of residence. Such judge shall furnish to any person whose driver's license has had conditions imposed on it under this paragraph a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this paragraph.

(C) Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this paragraph, such person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

(4) As used in this subsection, "highway" and "street" mean the same as in K.S.A. 8-1424 and 8-1473, and amendments thereto.

(p) In addition to any of the above, for any criminal offense that includes the domestic violence designation pursuant to K.S.A. 2020 Supp. 22-4616, and amendments thereto, the court shall require the defendant to: (1) Undergo a domestic violence offender assessment conducted by a certified batterer intervention program; and (2) follow all recommendations made by such program, unless otherwise ordered by the court or the department of corrections. The court may order a domestic violence offender assessment and any other evaluation prior to sentencing if the assessment or evaluation would assist the court in determining an appropriate sentence. The entity completing the assessment or evaluation shall provide the assessment or evaluation and recommendations to the court and the court shall provide the domestic violence offender assessment to any entity responsible for supervising such defendant. A

defendant ordered to undergo a domestic violence offender assessment shall be required to pay for the assessment and, unless otherwise ordered by the court or the department of corrections, for completion of all recommendations.

(q) In imposing a fine, the court may authorize the payment thereof in installments. In lieu of payment of any fine imposed, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed by the later of one year after the fine is imposed or one year after release from imprisonment or jail, or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance shall become due on that date. If conditional reduction of any fine is rescinded by the court for any reason, then pursuant to the court's order the person may be ordered to perform community service by one year after the date of such rescission or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date. All credits for community service shall be subject to review and approval by the court.

(r) In addition to any other penalty or disposition imposed by law, for any defendant sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2020 Supp. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, the court shall order that the defendant be electronically monitored upon release from imprisonment for the duration of the defendant's natural life and that the defendant shall reimburse the state for all or part of the cost of such monitoring as determined by the prisoner review board.

(s) Whenever the court has released the defendant on probation pursuant to subsection (a)(3), the defendant's supervising court services officer, with the concurrence of the chief court services officer, may impose the violation sanctions as provided in K.S.A. 22-3716(c)(1)(B), and amendments thereto, without further order of the court, unless the defendant, after being apprised of the right to a revocation hearing before the court pursuant to K.S.A. 22-3716(b), and amendments thereto, refuses to waive such right.

(t) Whenever the court has assigned the defendant to a community correctional services program pursuant to subsection (a)(4), the defendant's community corrections officer, with the concurrence of the community corrections director, may impose the violation sanctions as provided in K.S.A. 22-3716(c)(1)(B), and amendments thereto, without further order of the court unless the defendant, after being apprised of the right to a revocation hearing before the court pursuant to K.S.A. 22-3716(b), and amendments thereto, refuses to waive such right.

(u) In addition to any of the above, the court shall authorize an additional 18 days of confinement in a county jail to be reserved for sanctions as set forth in K.S.A. 22-3716(b)(3)(B), (b)(4) or (c)(1)(B), and amendments thereto.

(v) The amendments made to this section by this act are procedural in nature and shall be construed and applied retroactively.";

Also on page 8, in line 5, by striking "and" and inserting a comma; also in line 5, after "21-6328" by inserting "and 21-6604";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "requiring payment of restitution;"; in line 5, by striking the first "and" and inserting a comma; also in line 5, after "21-6328" by inserting "and 21-6604"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2022** be amended on page 13, in line 36, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

On motion of Senator Suellentrop, the Senate adjourned Pro Forma until 8:30 a.m., February 19, 2021.

# Journal of the Senate

TWENTY-NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, February 19, 2021, 8:30 a.m.

The Senate was called to order Pro Forma by Senator Kristen O'Shea.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Agriculture and Natural Resources: **HB 2155, HB 2172.**

Assessment and Taxation: **SB 263; HB 2104.**

Education: **HB 2124, HB 2070.**

Federal and State Affairs: **SB 262.**

Financial Institutions and Insurance: **HB 2187.**

Judiciary: **HB 2076.**

Local Government: **HB 2178.**

Public Health and Welfare: **HB 2115, HB 2151, HB 2158.**

Transparency and Ethics: **HB 2096.**

Transportation: **HB 2007.**

Ways and Means: **HB 2087.**

## REFERENCE OF APPOINTMENTS

The following appointments made by the Governor and submitted to the Senate for confirmation, were referred to Committees as indicated:

*Member, Kansas Public Employees Retirement Board of Trustees:*

Kathleen VonAchen, effective upon the date of confirmation by the Senate, to serve a term to expire January 15, 2025.

(Financial Institutions and Insurance)

*Member; State Banking Board:*

Joseph Jeter, effective upon the date of confirmation by the Senate, to serve a term to expire March 15, 2021.

(Financial Institutions and Insurance)

*Judge, Kansas Court of Appeals:*

Jacy Hurst, effective upon the date of confirmation by the Senate.

(Judiciary)

## MESSAGE FROM THE HOUSE

Announcing passage of **HB 2114, HB 2125.**

## INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2114, HB 2125** were thereupon introduced and read by title.

**REPORTS OF STANDING COMMITTEES**

Committee on **Judiciary** recommends **SB 106, SB 122** be passed.

On motion of Senator Alley, the Senate adjourned Pro Forma until 2:30 p.m., February 22, 2021.

# Journal of the Senate

THIRTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, February 22, 2021, 2:30 p.m.

The Senate was called to order Pro Forma by Senator Brenda Dietrich.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 264**, AN ACT concerning the attorney general; enacting the Kansas fights addiction act; providing for the expenditure of moneys recovered in opioid litigation; establishing a grant program to address the effects of substance abuse and addiction; Kansas fights addiction grant review board; Kansas fights addiction fund, by Committee on Ways and Means.

**SB 265**, AN ACT concerning the Kansas public employees retirement system; relating to death and long-term disability benefits; providing a moratorium on employer contributions to the group insurance reserve fund; amending K.S.A. 74-4927 and repealing the existing section, by Committee on Ways and Means.

**SB 266**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; amortizing a certain portion of the unfunded actuarial liability of the system for a period of 24 years; eliminating certain level-dollar employer contribution payments; establishing procedures for lapsing and decreasing certain amounts of employer contributions for state agencies for the fiscal year ending June 30, 2022; amending K.S.A. 74-4920 and repealing the existing section, by Committee on Ways and Means.

**SB 267**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2022, June 30, 2023, and June 30, 2024, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 75-6702 and 75-6706 and K.S.A. 2020 Supp. 2-223, 12-1775a, 12-5256, 55-193, 72-5462, 74-50,107, 74-99b34, 75-2263, 75-6707, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections, by Committee on Ways and Means.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Judiciary: **HB 2125**.

Public Health and Welfare: **HB 2114**.

**COMMUNICATIONS FROM STATE OFFICERS**

Kansas Board of Pharmacy: Report on Substances Proposed for Scheduling, Rescheduling or Deletion (February 11, 2021)

Kansas Forest Service: Annual Report 2020 (February 22, 2021)

**REPORTS OF STANDING COMMITTEES**

Committee on **Ways and Means** recommends **SB 159** be passed.

On motion of Senator Kloos, the Senate adjourned until 2:30 p.m., Tuesday, February 23, 2021.

# Journal of the Senate

THIRTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, February 23, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.  
The roll was called with 38 senators present.  
Senator Olson was excused.  
Invocation by Reverend Cecil T. Washington:

The Grace for Humility and Fulfillment!  
1 John 1:9 and James 4:6

Gracious God, Our Creator and Sustainer, we come again by virtue of Your grace and mercy seeking Your guidance. We need Your wisdom for every move we make. There's nothing of any real value that we can achieve unless You are on the throne; unless You are in the driver's seat. But yet, knowing this, there are times when we try to retake the wheel. Lord, forgive us for those times.

And, Lord, not only forgive us, but do as You said in 1 John 1:9, cleanse us. Cleanse us from recurring attitudes of pride, where we start thinking more of ourselves than we ought.

You've promised to furnish us with Your grace when we humble ourselves. And if we don't humble ourselves, in James 4:6, You've promised to do it for us.

So, Lord, do with us according to Your will, that the joy of fulfilling Your purposes can be realized in our lives. On behalf of all of us, as recipients of Your grace, I offer this prayer in the Name of Jesus, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 268**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2021, June 30, 2022, June 30, 2023, June 30, 2024, June 30, 2025, June 30, 2026, June 30, 2027, June 30, 2028, June 30, 2029, June 30, 2030, June 30, 2031, and June 30, 2032, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 75-4209 and K.S.A. 2020 Supp. 2-223 and repealing the existing sections, by Committee on Ways and Means.

**SB 269**, AN ACT concerning public health and safety; relating to dangerous regulated animals; prohibiting the sale, slaughter and acquisition of such animals;

including nonhuman primates and nonhybrid wolves as dangerous regulated animals; requiring sufficient barriers and distance between dangerous regulated animals and the public; amending K.S.A. 2020 Supp. 32-1301, 32-1302, 32-1303, 32-1304, 32-1305, 32-1306, 32-1307, 32-1308 and 32-1310 and repealing the existing sections; also repealing K.S.A. 2020 Supp. 32-1309, by Committee on Federal and State Affairs.

**SB 270**, AN ACT concerning law enforcement; relating to law enforcement officers; prohibiting the hiring of certain officers with a history of serious misconduct or use of excessive force; making certain law enforcement employment and disciplinary records subject to the open records act; amending K.S.A. 2020 Supp. 45-221 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 271**, AN ACT concerning civil actions; relating to limitations on actions; extending the time to file a claim for damages caused by childhood sexual abuse; amending K.S.A. 2020 Supp. 60-523 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 272**, AN ACT concerning sexual assault evidence collection; requiring such collection procedures to include a urinalysis test to determine the presence of controlled substances that may have been used to commit the alleged sexual assault; amending K.S.A. 65-448 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 273**, AN ACT concerning governmental response to certain emergencies; relating to the Kansas emergency management act; providing procedures for the declaration and extension of a state of disaster emergency; limiting powers granted to the governor during a state of disaster emergency; defining public health disasters and establishing special provisions therefor; creating the joint committee on emergency management and prescribing powers and duties; prescribing powers, duties and functions of the secretary of health and environment, city and county government and the board of education of each school district to control the spread of disease; establishing judicial review thereof; prescribing certain reporting requirements for the board of education of each school district, the state board of education and the Kansas state department of education; amending K.S.A. 48-904, 48-923, 48-933, 65-101, 65-119 and 65-126 and K.S.A. 2019 Supp. 48-925, as amended by section 4 of 2021 Senate Bill No. 14, and K.S.A. 2020 Supp. 48-924, as amended by section 2 of 2021 Senate Bill No. 14, 48-939, 48-949, 65-201 and 65-202 and repealing the existing sections; also repealing K.S.A. 2019 Supp. 48-925, as amended by section 5 of 2021 Senate Bill No. 14, and K.S.A. 2020 Supp. 48-925b, by Committee on Federal and State Affairs.

**SB 274**, AN ACT concerning health and healthcare; relating to the practice of naturopathy; licensure and regulation of naturopathic doctors; broadening the scope of practice of naturopathic doctors; amending K.S.A. 65-7201, 65-7207, 65-7208, 65-7209 and 65-7214 and K.S.A. 2020 Supp. 65-1626, 65-4101 and 65-7202 and repealing the existing sections; also repealing K.S.A. 65-7212, by Committee on Assessment and Taxation.

**SB 275**, AN ACT concerning health and healthcare; relating to naturopathic doctors; providing naturopathic doctors a certificate of authorization for a business entity to practice medicine; amending K.S.A. 17-2710 and K.S.A. 2020 Supp. 65-28,134 and repealing the existing sections, by Committee on Assessment and Taxation.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Financial Institutions and Insurance: **SB 265**.

Ways and Means: **SB 264, SB 266, SB 267**.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

Under the authority of the President, the Vice President referred **SB 273** to the Committee on **Judiciary**.

**MESSAGES FROM THE GOVERNOR**

Enclosed herewith is Executive Order 21-04 for your information. (February 19, 2021)

**CONSIDERATION OF APPOINTMENTS**

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

Senator Suellentrop moved the following appointments be confirmed as recommended by the Committees on **Federal and State Affairs** and **Agriculture and Natural Resources**.

*By the Governor:*

On the appointment to the:

*Kansas National Guard:*

Michael Venerdi, At the pleasure of the Governor

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Olson.

The appointment was confirmed.

*By the Governor:*

On the appointment to the:

*Kansas Water Authority:*

Dawn Buehler, At the pleasure of the Governor

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Olson.

The appointment was confirmed.

**FINAL ACTION ON CONSENT CALENDAR**

**SB 95, SB 99, SB 204** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**SB 95**, AN ACT concerning motor vehicles; relating to odometer requirements upon transfer of vehicle; exempting certain odometer certification requirements; amending K.S.A. 2020 Supp. 8-135 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Olson.

The bill passed.

**SB 99**, AN ACT concerning the vehicle dealers and manufacturers licensing act; relating to vehicle dealer licensing; increasing the bonding requirement for vehicle dealers; amending K.S.A. 2020 Supp. 8-2404 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Hilderbrand.

Present and Passing: Longbine.

Absent or Not Voting: Olson.

The bill passed.

**SB 204**, AN ACT concerning crimes, punishment and criminal procedure; prohibiting a court from requiring psychiatric or psychological examinations of an alleged victim of any crime.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Olson.

The bill passed.

**REPORTS OF STANDING COMMITTEES**

Committee on **Agriculture and Natural Resources** recommends **SB 89** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Assessment and Taxation** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

*Member, State Board of Tax Appeals: K.S.A. 74-2433*

Virginia Powell, to serve a term ending on January 15, 2024

Committee on **Education** recommends **SB 51, SB 62** be passed.

Also, recommends **SB 43** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 43," as follows:

Substitute for SENATE BILL No. 43

By Committee on Education

AN ACT concerning postsecondary education; relating to the state board of regents; creating the Kansas promise scholarship act and the Kansas promise scholarship program fund, and the substitute bill be passed.

Committee on **Transportation** recommends **SB 20, SB 26** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Suellentrop, the Senate adjourned Pro Forma until 2:30 p.m., February 24, 2021.

# Journal of the Senate

THIRTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 24, 2021, 2:30 p.m.

The Senate was called to order Pro Forma by Vice President Rick Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 276**, AN ACT concerning children and families; preserving families that include a parent who is blind; providing for certain considerations relating to cases involving legal custody, residency, parenting time, children in need of care, adoption, foster care and guardianship, by Committee on Federal and State Affairs.

**SB 277**, AN ACT concerning property taxation; authorizing continuation of the statewide levy for schools and the exemption of a portion of residential property from such levy; amending K.S.A. 79-201x and K.S.A. 2020 Supp. 72-5142 and repealing the existing sections, by Committee on Ways and Means.

**SB 278**, AN ACT concerning distinctive license plate fees; requiring reporting by sponsoring organizations of income and expenditures derived from such fees, by Committee on Ways and Means.

**SB 279**, AN ACT concerning energy; establishing the wind generation permit and property protection act; relating to certain electric generation facilities; imposing setbacks from certain property; restricting approval of facilities by boards of county commissioners; terminating property easements and conveyances; imposing certain conditions thereto; amending K.S.A. 2020 Supp. 58-2272 and repealing the existing section, by Committee on Federal and State Affairs.

SENATE CONCURRENT RESOLUTION No. 1609—

By Committee on Ways and Means

A PROPOSITION to amend article 1 of the constitution of the state of Kansas by adding a new section thereto, concerning oversight by the legislature of certain executive branch actions.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 1 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

**"§ 17. Legislative oversight of administrative rules and regulations.** Whenever the legislature by law has authorized any officer or agency within the executive branch of government to adopt rules and regulations that have the force and effect of law, the legislature may provide by law for the revocation or suspension of any such rule and regulation, or any portion thereof, upon a vote of a majority of the members then elected or appointed and qualified in each house."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*"Explanatory statement.* The purpose of this amendment is to provide the legislature with oversight of state executive branch agencies and officials by providing the legislature authority to establish procedures to revoke or suspend rules and regulations.

"A vote for this proposition would allow the legislature to establish procedures to revoke or suspend rules and regulations that are adopted by state executive branch agencies and officials that have the force and effect of law.

"A vote against this proposition would allow state executive branch agencies and officials to continue adopting rules and regulations that have the force and effect of law without any opportunity for the legislature to directly revoke or suspend such rules and regulations."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2022, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 269.**

Judiciary: **SB 270, SB 271, SB 272.**

Public Health and Welfare: **SB 274, SB 275.**

Ways and Means: **SB 268.**

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2191, HB 2237, HB 2254, HB 2262.**

Announcing passage of **SB 27.**

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2191, HB 2237, HB 2254, HB 2262** were thereupon introduced and read by title.

**CHANGE OF REFERENCE**

Under the authority of the President, the Vice President withdrew **SB 245** from the Committee on **Financial Institutions and Insurance**, and referred the bill to the Committee on **Federal and State Affairs**.

**REPORTS OF STANDING COMMITTEES**

Committee on **Assessment and Taxation** recommends **SB 71** be passed.

Committee on **Commerce** recommends **SB 126** be passed.

Committee on **Public Health and Welfare** recommends **SB 170** be passed.

Also, **SB 175** be amended on page 3, in line 21, by striking all after "organization"; by striking all in lines 22 and 23; in line 24, by striking all before "coverage" and inserting "and all"; in line 29, by striking "or critical access hospital"; and the bill be passed as amended.

Committee on **Transparency and Ethics** recommends **Substitute for HB 2049** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Thursday, February 25, 2021.

# Journal of the Senate

THIRTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 25, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.

The roll was called with 38 senators present.

Senator Suellentrop was excused.

The Vice President introduced guest chaplain, Dr. Jeff Barclay, Lead Pastor, Christ Community Church, Lawrence, to deliver the invocation:

Great and only God, as bearers of Your image, the men and women in this chamber have a weighty responsibility. Under Your care and guidance, may they shoulder their tasks with honesty and humility. In representing the citizens of Kansas, I invite You to join these State Senators in the sacred stewardship of governance.

With the unprecedented circumstances of these times, this Senate is introducing and debating legislation never before considered necessary to the health, welfare and prosperity of our state's citizens. When there is conflict in these discussions, help it be collegial. When compromises are made, may they come by wisdom. When there is consensus, may there be celebration. Our state's motto, *Ad Astra Per Aspera*, emboldens us – but getting to the stars this session is most certainly going to be difficult. Writing legislation in this challenging session requires Your help.

Lord we say with the psalmist, we trust in You. It is only through Your unfailing love that we are not shaken. No one in this room wants to make a decision that causes detriment to another person. But, we are not naïve. There is disagreement on how to define what is good and bad policy. The questions before this Senate are how to be fair for all whom this chamber legislates. May Your love for all people, and things good and right, prevail.

Lord our hearts are stirred by noble themes – the causes of truth, justice, equity and liberty. These are precarious times for truth, justice, equity and liberty. This is because contradictory statements cannot both be true, justice for one cannot create inequity for another, and when a person's liberty restricts another's, neither is truly free. To accomplish such lofty goals – truth, justice, equity and liberty – is why every member of this Senate requires a head that thinks with Your thoughts and a heart that beats with Your feelings.

We thank you for the many that serve this Senate in the background. The record keepers, the statisticians, the correspondents, those that keep things clean and safe and those that guard us. These people we respect and appreciate. I bring everyone that serves in this beautiful Capital building before You.

God, you have proven Yourself in Kansas' past. How we need you in Kansas' present. I offer this prayer in the name of Your Son, My Savior, Jesus Christ, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 280**, AN ACT concerning the distribution of the levy on fire insurance business premiums; relating to the state fire marshal fee fund, the emergency medical services operating fund and the fire training service program fund; modifying the distribution of moneys thereof; amending K.S.A. 75-1514 and repealing the existing section, by Committee on Ways and Means.

**SB 281**, AN ACT concerning employment security law; relating to disqualification for benefits; disqualification begin dates; disqualification for illness or injury; disqualification for receipt of pension or retirement pay; allowing part-time employment for an educational institution; amending K.S.A. 2020 Supp. 44-706 and repealing the existing section, by Committee on Ways and Means.

**SB 282**, AN ACT concerning income taxation; providing certain tax credits for graduates of aerospace and aviation-related educational programs and employers of program graduates, by Committee on Assessment and Taxation.

### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 277; HB 2237.**

Federal and State Affairs: **SCR 1609.**

Judiciary: **HB 2191.**

Public Health and Welfare: **SB 276; HB 2254, HB 2262.**

Transportation: **SB 278.**

Utilities: **SB 279.**

### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Hawk, Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Fagg, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Kerschen, Kloos, McGinn, Pettey, Pittman, Sykes and Ware introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1710—

A RESOLUTION honoring the life of George Washington Carver and his contributions to American agriculture and society.

WHEREAS, George Washington Carver was born into slavery in 1864 in Diamond Springs, Missouri, and came to Kansas at the age of thirteen; and

WHEREAS, He graduated from Minneapolis High School in Minneapolis, Kansas; and

WHEREAS, He spent his teenage and young adult years living, going to school and working in many locations across Kansas, including Paola, Olathe, Spring Hill and Beeler in Ness County; and

WHEREAS, He attended Iowa State Agricultural College, and in 1894, he became the first African American to earn a Bachelor of Science degree; and

WHEREAS, In 1896, Carver earned a Master's degree in Agricultural Science; and

WHEREAS, He worked from 1896 to the end of his life at the Tuskegee Institute in Alabama; and

WHEREAS, Carver taught impoverished farmers that the farmers could feed their hogs with acorns instead of commercial feed and enrich croplands with swamp muck instead of expensive fertilizers; and

WHEREAS, Carver introduced crop rotation by growing nitrogen-fixing plants like peanuts, soybeans and sweet potatoes to restore the nutrient-depleted soil from years of growing cotton; and

WHEREAS, Carver invented numerous products from sweet potatoes, including flour, vinegar, stains, dyes, paints and writing ink; and

WHEREAS, He developed over 300 food, industrial and commercial products from peanuts, including milk, Worcestershire sauce, cooking oils, paper, cosmetics, soaps and wood stains; and

WHEREAS, In 1921, Carver appeared before the United States House of Representatives Ways and Means Committee to demonstrate the vast number of products that could be made from peanuts, thereby earning a standing ovation from committee members; and

WHEREAS, Carver traveled to India to advise Mahatma Gandhi on how to adopt Carver's nutritional theories in India and other developing nations; and

WHEREAS, Upon his death on January 5, 1943, he was buried next to famed educator and author Booker T. Washington on the grounds of the Tuskegee Institute; and

WHEREAS, President Franklin D. Roosevelt signed legislation that gave Carver his own monument, an honor only previously granted to presidents George Washington and Abraham Lincoln. George Washington Carver's monument stands in Diamond Springs, Missouri; and

WHEREAS, In 1990, George Washington Carver was posthumously inducted into the National Inventors Hall of Fame: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize the significant achievements of George Washington Carver and his contributions to American agriculture and society; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Hawk.

On emergency motion of Senator Hawk **SR 1710** was adopted by voice vote.

Senators Faust-Goudeau, Haley and Pittman introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1711—

A RESOLUTION recognizing the members of Delta Sigma Theta Sorority, Inc., for their outstanding service to the citizens of our state, nation and the international community and for the sorority's promotion of sisterhood, scholarship and service.

WHEREAS, Delta Sigma Theta Sorority, Inc., is a private, not-for-profit organization whose purpose is to provide assistance and support in local communities throughout the world in diverse fields relating to public service through the organization's established five-point programmatic thrust: Economic development, educational development, international awareness and involvement, physical and mental health and political

awareness and involvement; and

WHEREAS, On January 13, 1913, Delta Sigma Theta Sorority, Inc., was founded at Howard University in the District of Columbia by: Osceola Macarthy Adams, Marguerite Young Alexander, Winona Cargile Alexander, Ethel Cuff Black, Bertha Pitts Campbell, Zephyr Chisom Carter, Edna Brown Coleman, Jessie McGuire Dent, Fredrica Chase Dodd, Myra Davis Hemmings, Olive C. Jones, Mamie Reddy Rose, Eliza Pearl Shippen, Florence Letcher Toms, Ethel Carr Watson, Wertie Blackwell Weaver, Madree Penn White and Edith Motte Young; and

WHEREAS, In March 1913, the founders of Delta Sigma Theta Sorority, Inc., participated in the Women's Suffrage March in the District of Columbia, which was the sorority's first public act; and

WHEREAS, Since its founding, more than 200,000 women have joined the organization. Delta Sigma Theta Sorority, Inc., has eight chapters in Kansas and a total of 1,000 chapters in the United States, England, Japan, Germany, the Virgin Islands, Bermuda, the Bahamas and South Korea: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize the members of Delta Sigma Theta Sorority, Inc., for their outstanding service to the citizens of our state, nation and the international community and for the sorority's promotion of sisterhood, scholarship and service; and

*Be it further resolved:* That the Secretary of the Senate shall send enrolled copies of this resolution to Trudy Baker, Anisia Brumley, Sharon Collins, Dr. Patricia Dozier, Dr. Felicia C. Echols, Carmen Elston, Tami Farr-Smith, Jill M. Hall, Christina Love, Dezha McKoy, Morgan States, Senators Faust-Goudeau, Haley and Pittman.

On emergency motion of Senator Faust-Goudeau **SR 1711** was adopted by voice vote.

Senator Billinger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1712—

A RESOLUTION commemorating Marietta Billinger's 100<sup>th</sup> birthday and her dedication to her family and community.

WHEREAS, Marietta Depperschmidt was born on September 4, 1920; and

WHEREAS, Marietta grew up with one sister and three brothers in a sod house four miles north of Park, Kansas; and

WHEREAS, She graduated from Park High School and is the last surviving member of her graduating class; and

WHEREAS, On January 4, 1945, Marietta married Anthony Billinger, and together they raised six children; and

WHEREAS, Marietta worked at Park Public Schools as a secretary and would serve there for over 30 years. She later served as the secretary for the Wheatland High School Board of Education; and

WHEREAS, After losing her husband, she continued to operate Billinger Repair Shop along with her sons; and

WHEREAS, She worked at the family business until she retired for a second time at the age of 94; and

WHEREAS, Marietta loves traveling, bowling, playing golf, baking and cooking; and

WHEREAS, She loves Christmas and always decorated her home with nativities and villages with love; and

WHEREAS, Now, at the age of 100, Marietta has 15 grandchildren and 29 great-grandchildren: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize Marietta Billinger for her 100 years of hard work and dedication to her family and community; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Billinger.

On emergency motion of Senator Billinger **SR 1712** was adopted by voice vote.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2052, HB 2078, HB 2093, HB 2136, HB 2192, HB 2243.**

Announcing passage of **HB 2175.**

Announcing passage of **SB 29**, as amended; **SB 39**, as amended; **SB 40**, as amended.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2052, HB 2078, HB 2093, HB 2136, HB 2175, HB 2192, HB 2243** were thereupon introduced and read by title.

#### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Longbine the Senate nonconcurred in the House amendments to **SB 29** and requested a conference committee be appointed.

The Vice President appointed Senators Longbine, Peck and Holscher as a conference committee on the part of the Senate.

On motion of Senator Kerschen the Senate nonconcurred in the House amendments to **SB 39** and requested a conference committee be appointed.

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

On motion of Senator Kerschen the Senate nonconcurred in the House amendments to **SB 40** and requested a conference committee be appointed.

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

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 261** be passed.

Also, recommends **SB 142** be amended on page 1, in line 8, by striking "The operator of every vessel shall require every" and inserting "(1) No operator of any vessel may operate such vessel while any"; in line 9, by striking "to wear" and inserting "is aboard or being towed by such vessel unless such person is either:

(A) Wearing";

Also on page 1, in line 11, by striking "while"; in line 12, by striking all before the period and inserting "; or

(B) is below decks or in an enclosed cabin";

Also on page 1, also in line 12, after the period by inserting:

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

**SB 143** be amended on page 3, in line 11, after "business" by inserting "and annually thereafter"; and the bill be passed as amended.

**SB 160** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Assessment and Taxation** recommends **SB 23, SB 119, SB 147** be passed.

Committee on **Education** recommends **SB 185** be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 37** be amended on page 18, in line 11, by striking all after "order"; in line 12, by striking all before the period; in line 14, by striking "five" and inserting "two"; in line 15, by striking all after "order"; in line 16, by striking all before the period; and the bill be passed as amended.

Also, recommends **SB 178** be amended on page 1, in line 31, after the second "the" by inserting "state"; also in line 31, by striking "or trust company"; in line 32, by striking "or state trust company";

On page 2, in line 1, by striking "and"; in line 2, after "(3)" by inserting "the name selected for the state trust company shall be different or substantially dissimilar from any other trust company doing business in the state; and (4)"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 131, SB 167** be passed.

Also, recommends **SB 116** be amended on page 2, in line 33, after "(c)" by inserting "(1)";

On page 3, in line 4, after the period by inserting:

"(2)";

Also on page 3, also in line 4, by striking "subsection" and inserting "paragraph (1)"; in line 8, after the period by inserting "No moneys received from federal stimulus funds shall be expended pursuant to this paragraph unless the expenditure either has been approved by an appropriation or other act of the legislature or has been approved by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto."; and the bill be passed as amended.

**SB 19** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Alley, the Senate adjourned Pro Forma until 2:30 p.m., February 26, 2021.

# Journal of the Senate

THIRTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, February 26, 2021, 2:30 p.m.

The Senate was called to order Pro Forma by Senator Molly Baumgardner.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 282**.

Commerce: **SB 281**.

Financial Institutions and Insurance: **HB 2136, HB 2243**.

Judiciary: **HB 2078, HB 2093, HB 2192**.

Local Government: **HB 2175**.

Transparency and Ethics: **HB 2052**.

Ways and Means: **SB 280**.

## MESSAGES FROM THE GOVERNOR

Enclosed are Executive Orders 21-05 and 21-06 for your information. (February 23, 2021)

Senate Bill 15 has been signed. (February 25, 2021)

## MESSAGE FROM THE HOUSE

Announcing passage of **HB 2101, HB 2244, HB 2277**.

## INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2101, HB 2244, HB 2277** were thereupon introduced and read by title.

## REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 72** be passed.

Also, **SB 46** be amended on page 9, in line 30, by striking "employer-sponsored"; in line 31, by striking all before "retirement" and inserting "all"; also in line 31, by striking all after the first "plans"; in line 32, by striking all before "to";

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

**SB 50** be amended on page 1, in line 30, by striking "lodging"; in line 31, by striking "establishment" and inserting "hotel"; in line 32, by striking "lodging establishment" and inserting "hotel"; in line 34, by striking "lodging"; in line 35, by striking "establishment" and inserting "hotel";

On page 3, in line 21, by striking "January" and inserting "April"; in line 27, by

striking "January" and inserting "April"; and the bill be passed as amended.

Also, the committee begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee reports, without recommendation, to the Senate such appointment:

By the Governor:

*Member, State Board of Tax Appeals: K.S.A. 74-2433*

Robert E. Marx, to serve a term ending on January 15, 2024

Committee on **Education** recommends **SB 31**, **SB 93**, **SB 235** be passed.

Also, **SB 63** be amended on page 1, in line 18, after "education" by inserting "and each school district"; also in line 18, by striking all after "annually"; by striking all in lines 19 and 20; in line 21, by striking all before the first "the" and inserting "publish on their websites"; in line 23, after "Kansas" by inserting "and information for students on how to register for such exams or assessments.

(c) Participation in the pre-ACT college entrance exam, the ACT college entrance exam or the ACT workkeys assessment shall be optional. Nothing in this section shall be construed to require any student to participate in such exams or assessments"; And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 102**, **SB 104** be passed.

**SB 273** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 273," as follows:

Substitute for SENATE BILL No. 273

By Committee on Judiciary

"AN ACT concerning governmental response to certain emergencies; relating to the Kansas emergency management act; modifying the procedure for the declaration and extension of a state of disaster emergency; limiting powers granted to the governor during a state of disaster emergency; defining public health disasters and establishing special provisions therefor; creating the joint committee on emergency management and prescribing powers and duties; prescribing powers, duties and functions of the secretary of health and environment, city and county government, the board of education of each school district, the governing body of each community college and the governing body of each technical college to control the spread of disease; establishing judicial review thereof; prescribing certain reporting requirements for the board of education of each school district, the state board of education and the Kansas state department of education; limiting powers of city health officers and local health officers; amending K.S.A. 48-904, 48-923, 48-933, 65-101, 65-119 and 65-126 and K.S.A. 2019 Supp. 48-925, as amended by section 4 of 2021 Senate Bill No. 14, and K.S.A. 2020 Supp. 48-924, as amended by section 2 of 2021 Senate Bill No. 14, 48-939, 48-949, 65-201 and 65-202 and repealing the existing sections; also repealing K.S.A. 2019 Supp. 48-925, as amended by section 5 of 2021 Senate Bill No. 14, and K.S.A. 2020 Supp. 48-925b.";

And the substitute bill be passed.

Also, **SB 105** be amended on page 5, by striking all in line 25; in line 26, by striking all before "notwithstanding" and inserting "the expunged case file"; in line 34, by striking all after the second "the"; in line 35, by striking "information" and inserting "expunged case file";

On page 13, by striking all in line 43;

On page 14, in line 1, by striking all before "notwithstanding" and inserting "the

expunged case file"; in line 9, by striking all after the second "the"; in line 10, by striking "information" and inserting "expunged case file"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 101** be amended on page 9, in line 21, by striking "and" and inserting a comma; also in line 21, before the period by inserting ", trails or trail networks"; in line 22, by striking all after "(2)"; by striking all in lines 23 through 25; in line 26, by striking all before the period and inserting "This subsection shall not be construed to prevent a city, through the exercise of its home rule powers, from adopting an ordinance governing the operation of electric-assisted bicycles on streets, highways, roadways, sidewalks or sidewalk areas under the city's jurisdiction or to prevent a municipality, county or agency of the state having jurisdiction over a bicycle or multi-use path, trail or trail network from restricting or prohibiting the operation of an electric-assisted bicycle or a specific class of electric-assisted bicycle on a bicycle or multi-use path, trail or trail network"; in line 27, by striking all after "(3)"; by striking all in lines 28 and 29; in line 30, by striking all before "shall" and inserting "Subsection (g)(1)"; and the bill be passed as amended.

Also, **SB 127** be amended on page 5, in line 20, after "license" by inserting "or any class of commercial driver's license"; in line 30, by striking "or"; also in line 30, by striking "has" and inserting "a person issued"; in line 32, after "withdrawn" by inserting "; or

(E) a person issued a commercial driver's license that has a hazardous materials endorsement";

On page 6, following line 16, by inserting:

"(5) Any person seeking to renew a commercial driver's license pursuant to this subsection shall be required to provide the division with a valid medical examiner's certificate and proof of completion of the truckers against trafficking training.";

On page 7, in line 23, after "(2)" by inserting "and (3)";

On page 8, following line 11, by inserting:

"(3) Any licensee, whose driver's license has expired after March 12, 2020, and before March 31, 2021, shall have until June 30, 2021, to renew such licensee's driver's license.";

On page 11, following line 1, by inserting:

"Sec. 3. K.S.A. 2020 Supp. 8-1325 is hereby amended to read as follows: 8-1325. (a) Every identification card shall expire, unless earlier canceled or subsection (c) of K.S.A. 8-1324, and amendments thereto, applies, on the sixth birthday of the applicant following the date of original issue, except as otherwise provided by K.S.A. 8-1329, and amendments thereto. Renewal of any identification card shall be made for a term of six years and shall expire in a like manner as the originally issued identification card, unless surrendered earlier or subsection (c) of K.S.A. 8-1324, and amendments thereto, applies. For any person who has been issued an identification card, the division shall mail a notice of expiration or renewal at least 30 days prior to the expiration of such person's identification card at the address shown on such identification card. The division shall include with such notice, written information required under subsection (b). Any application for renewal received later than 90 days after expiration of the identification card shall be considered to be an application for an original identification card. The division shall require payment of a fee of \$14 for each identification card renewal, except that persons who are 65 or more years of age or who are persons with a

disability, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of ~~only~~ \$10. Any identification card holder, whose identification card has expired after March 12, 2020, and before March 31, 2021, shall have until June 30, 2021, to renew such identification card.

(b) The division shall reference the website of the agency in a person's notice of expiration or renewal under subsection (a). The division shall provide the following information on the website of the agency:

(1) Information explaining the person's right to make an anatomical gift in accordance with K.S.A. 8-1328, and amendments thereto, and the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto;

(2) information describing the organ donation registry program maintained by the Kansas federally designated organ procurement organization. The information required under this paragraph shall include, in a type, size and format that is conspicuous in relation to the surrounding material, the address and telephone number of Kansas' federally designated organ procurement organization, along with an advisory to call such designated organ procurement organization with questions about the organ donor registry program;

(3) information giving the applicant the opportunity to be placed on the organ donation registry described in paragraph (2);

(4) inform the applicant that, if the applicant indicates under this subsection a willingness to have such applicant's name placed on the organ donor registry described in paragraph (2), the division will forward the applicant's name, gender, date of birth and most recent address to the organ donation registry maintained by the Kansas federally designated organ procurement organization, as required by paragraph (6);

(5) the division may fulfill the requirements of paragraph (4) by one or more of the following methods:

(A) Providing such information on the website of the agency; or

(B) providing printed material to an applicant who personally applies for an identification card; and

(6) if an applicant indicates a willingness under this subsection to have such applicant's name placed on the organ donor registry described, the division shall within 10 days forward the applicant's name, gender, date of birth and address to the organ donor registry maintained by the Kansas federally designated organ procurement organization. The division may forward information under this subsection by mail or by electronic means. The division shall not maintain a record of the name or address of an individual who indicates a willingness to have such person's name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have such applicant's name placed on the organ donor registry that is obtained by the division and forwarded under this paragraph shall be confidential and not disclosed.";

On page 14, in line 12, after the second comma by inserting "8-1325,"; in line 15, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "of" by inserting "commercial driver's licenses and"; in line 4, after the semicolon by inserting "renewal of expired licenses and identification cards;"; also in line 4, after "8-247" by inserting ", 8-1325"; and the bill be passed as amended.

**TRIBUTES**

Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of February 22 through February 26, 2021:

Senator Bowers: celebrating Kermit Jeffery's 90th Birthday, congratulating Ethan Wirth on winning the Jewell County Spelling Bee, congratulating Ayres Insurance Agency on being named a 2021 Farmers Alliance Advantage Agent, congratulating Kermit and Loyce Jeffery on their 70th Wedding Anniversary, congratulating Phillip Kirchoff on his retirement, congratulating Steve Hoesli on his retirement, congratulating Bill Schick on his induction into the KMEA Hall of Fame, congratulating Chas Hauck on being named the 3-2-1A Region Two Wrestling Coach of the Year;

Senator Kloos: congratulating Joseph Havens on achieving the rank of Eagle Scout, congratulating Harlan Watson on achieving the rank of Eagle Scout, congratulating Nicholas Calvin on achieving the rank of Eagle Scout;

Senator O'Shea: congratulating Duane and Eva Brunkow on their 70th Wedding Anniversary;

Senator Pettey: recognizing the dedication and leadership of CleanAirNow; and

Senator Masterson and Senator Sykes: recognizing February 24, 2021 as JAG-K Day at the Capitol.

On motion of Senator Erickson, the Senate adjourned until 10:00 a.m., Monday, March 1, 2021.

# Journal of the Senate

THIRTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, March 1, 2021, 10:00 a.m.

The Senate was called to order by Vice President Rick Wilborn.  
The roll was called with 39 senators present.  
Invocation by Reverend Cecil T. Washington:

God Is With Us!

Genesis 39:2, 2 Kings 18:7, Deuteronomy 31:6, Isaiah 7:14

Heavenly Father, in Genesis 39:2, You were with Joseph, and he was successful. In 2 Kings 18:7, You were with Hezekiah and he prospered.

In Deuteronomy 31, it was through Moses, that You told Your people to be determined and confident because You would be with them in their present struggles, and not abandon them in their efforts to move forward.

Lord, in the same way You were with them back then, we need You to be with us now.

One of the wonderful, Divine names we are given, in Isaiah 7:14, is Immanuel (God with us). Lord, as we move forward from this point, help us to keep in mind that You are with us. And knowing that You are with us is satisfying. For it means that everything, whether it looks like it or not, is securely and confidently in Your Hands.

In steadfast, unwavering faith, I thank You for Your steadfast unwavering presence. In Jesus Name, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **HB 2244**.

Judiciary: **HB 2277**.

Ways and Means: **HB 2101**.

## COMMITTEE OF THE WHOLE

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

**SB 86, SB 120** be passed.

A motion by Senator Sykes to amend **SB 120** failed.

**SB 172** be amended by the adoption of the committee amendments, and the bill be passed as amended.

Motions by Senator Francisco to amend **SB 172** failed.

Senator Sykes moved **SB 172** be referred to the Committee on **Judiciary**. The motion failed.

**SB 83** be amended by the adoption of the committee amendments, be further amended by motion of Senator Pettey: on page 3, in line 24, after "(6)" by inserting "any entity established by a city or county for the express purpose of providing a local review of child deaths if the information and records being disclosed are related to a child's death where either:

- (A) Such death occurred in such city or county; or
  - (B) such child was a resident of such city or county;
- (7)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly, and **SB 83** be passed as further amended.

**SB 106** be amended by motion of Senator Warren, on page 1, in line 15, by striking "2023" and inserting "2022";

On page 2, in line 37, by striking "2023" and inserting "2022"; in line 39, by striking "2023" and inserting "2022"; in line 40, by striking "2023" and inserting "2022";

On page 3, in line 9, by striking "2023" and inserting "2022"; in line 31, by striking "2023" and inserting "2022"; in line 35, by striking "2023" and inserting "2022";

On page 4, in line 16, by striking "2023" and inserting "2022"; in line 24, by striking "2023" and inserting "2022"; in line 30, by striking "2023" and inserting "2022";

On page 5, in line 1, by striking "2023" and inserting "2022"; in line 15, by striking "2023" and inserting "2022"; in line 31, by striking "2023" and inserting "2022";

On page 6, in line 6, by striking "2023" and inserting "2022"; in line 30, by striking "2023" and inserting "2022";

On page 8, in line 37, by striking "2023" and inserting "2022";

On page 9, in line 43, by striking "2023" and inserting "2022";

On page 10, in line 12, by striking "2023" and inserting "2022"; in line 29, by striking "2023" and inserting "2022";

On page 11, in line 29, by striking "2023" and inserting "2022";

On page 12, in line 16, by striking "2023" and inserting "2022";

On page 14, in line 13, by striking "2023" and inserting "2022"; in line 23, by striking "2023" and inserting "2022";

On page 15, in line 27, by striking "2023" and inserting "2022";

On page 17, in line 1, by striking "2023" and inserting "2022"; in line 11, by striking "2023" and inserting "2022";

On page 18, in line 12, by striking "2023" and inserting "2022"; in line 14, by striking "2023" and inserting "2022"; in line 15, by striking "2023" and inserting "2022"; in line 17, by striking "2023" and inserting "2022"; in line 19, by striking "2023" and inserting "2022"; in line 21, by striking "2023" and inserting "2022"; in line 24, by striking "2023" and inserting "2022"; in line 28, by striking "2023" and inserting "2022"; in line 34, by striking "2023" and inserting "2022"; in line 35, by striking "2023" and inserting "2022";

On page 19, in line 1, by striking "2023" and inserting "2022";

On page 20, in line 18, by striking "2023" and inserting "2022";

On page 22, in line 24, by striking "2023" and inserting "2022";  
 On page 24, in line 41, by striking "2023" and inserting "2022";  
 On page 26, in line 36, by striking "2023" and inserting "2022";  
 On page 28, in line 39, by striking "2023" and inserting "2022";  
 On page 31, in line 1, by striking "2023" and inserting "2022";  
 On page 32, in line 22, by striking "2023" and inserting "2022"; in line 29, by striking "2023" and inserting "2022"; in line 35, by striking "2023" and inserting "2022";  
 On page 33, in line 6, by striking "2023" and inserting "2022" and **SB 106** be passed as amended.

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

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### MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **SB 29** and has appointed Representatives S. Johnson, Croft and Neighbor as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 39** and has appointed Representatives Rahjes, E. Smith and Carlin as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 40** and has appointed Representatives Rahjes, E. Smith, and Carlin as conferees on the part of the House.

### COMMITTEE OF THE WHOLE

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

On motion of Senator Petersen the report for the morning and the following afternoon session was adopted.

**SB 51, SB 62, SB 126, SB 159** be passed.

**SB 261** be amended by motion of Senator Francisco: on page 1, in line 16, by striking all after "expenses"; in line 17, by striking all before the second "and";

On page 2, in line 41, by striking "asbestos remediation" and inserting "state general", and **SB 261** be passed as amended.

**SB 142, SB 143, SB 175**, be amended by the adoption of the committee amendments, and the bills be passed as amended.

**HB 2022** be amended by the adoption of the committee amendments, be further amended by motion of Senator Billinger: on page 7, in line 17, by striking all after "person"; in line 18, by striking all before "causing"; in line 19, after "well" by inserting ", including any operator of an injection well, disposal well or pressure maintenance program", and **HB 2022** be passed as further amended.

Committee report on **SB 273** recommending **Sub SB 273** be adopted, be amended by motion of Senator Pyle: on page 6, in line 2, by striking the first "five" and inserting "six"; also in line 2, by striking the second "five" and inserting "six"; in line 3, by striking all after the period; by striking all in lines 4 through 15; in line 16, by striking all before the period and inserting "The six senate members shall be three senators

appointed by the president, two senators appointed by the minority leader and one senator appointed by the chairperson or vice chairperson, whichever person is a member of the senate, of the joint committee on information technology. The six representative members shall be three representatives appointed by the speaker, two representatives appointed by the minority leader and one representative appointed by the chairperson or vice chairperson, whichever person is a member of the house of representatives, of the joint committee on information technology. Each appointing authority may appoint themselves to such committee";

Also on page 6, in line 17, by striking all after "(2)"; by striking all in line 18; in line 19, by striking all before the period and inserting "Members of the joint committee on emergency management shall represent each state board of education member district established under K.S.A. 4-526, and amendments thereto. To meet the requirements of such representation, the appointing authorities shall confer on their individual appointments. For the purposes of such representation, the senator or representative shall reside in the state board of education member district";

On page 7, in line 3, by striking "six" and inserting "seven".

**Sub SB 273** be further amended by motion of Senator Francisco: on page 23, in line 22, by striking "centers" and inserting "center personnel", and **Sub SB 273** be passed as amended.

#### FINAL ACTION ON CONSENT CALENDAR

**SB 20, SB 26, SB 89; Sub HB 2049** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**SB 20**, AN ACT concerning roads and highways; designating a portion of United States highway 69 as the Senator Dennis Wilson Memorial Highway.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeyes, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

#### EXPLANATION OF VOTE

Mr. President: I stand in strong support of **SB 20**, designating a portion of United States highway 69 as the Senator Dennis Wilson Memorial Highway. Senator Wilson had a distinguished career that included serving his community, county, state and country. Dennis was truly a servant leader. He was a veteran of the United States Air Force, Johnson County Treasurer, Water One board member, Kansas Representative, and the first individual to serve residents of Eastern Kansas in the 37<sup>th</sup> Senate District.

Senator Wilson will always be remembered for willingness to lend support to those in need. The designation of the Senator Dennis Wilson Memorial Highway is a small token of recognition for a giant amongst a very large field of Kansas leaders.—MOLLY BAUMGARDNER

Senators Francisco, Gossage, Haley, Masterson and Petersen request the record to show they concur with the "Explanation of Vote" offered by Senator Baumgardner on **SB 20**.

**SB 26**, AN ACT concerning roads and highways; designating a portion of K-7 as the Senator Bud Burke Memorial Highway.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

#### EXPLANATION OF VOTE

Mr. President: I vote "AYE" on **SB 26**, honoring Paul "Bud" Burke by designating a portion of K-7 as the Senator Bud Burke Memorial Highway. Burke was elected to the Kansas House in 1972, appointed to the Senate in 1975, and served in the Senate as Senate Majority Leader from 1985-1988 and President of the Senate from 1989-1997. He was involved in the crafting and passage of legislation that improved the course for Kansas over many decades — in education, transportation and social welfare. He also was President of the National Conference of State Legislatures. Earlier Burke had served his country as a United States Air force fighter pilot and as a Navy aviator in the United States Navy Reserves, retiring as a Captain. He served his alma mater, the University of Kansas, as a member of the National Board of Directors for the KU Alumni Association. Although I never served with him, I appreciated his counsel when I first joined the Senate. I learned from others of his gracious demeanor, his fierce devotion to constituents, to the Legislature and to a state that he loved. This Memorial Highway will let others see his name and hopefully learn of his contributions to Kansas.—MARCI FRANCISCO

Senators Holland and Petersen request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **SB 26**.

**SB 89**, AN ACT concerning traffic regulations; relating to size and weight laws; exempting the transport of agricultural forage commodities from the secured loads statute; amending K.S.A. 8-1906 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson,

Tyson, Ware, Warren, Wilborn.

The bill passed.

**Sub HB 2049**, AN ACT concerning the legislative division of post audit; relating to audits; prohibiting a public agency from charging a fee for records requested therefor; amending K.S.A. 2020 Supp. 46-1114 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Suellentrop an emergency was declared by a 2/3 constitutional majority, and **Sub SB 273** was advanced to Final Action and roll call.

**Sub SB 273**, AN ACT concerning governmental response to certain emergencies; relating to the Kansas emergency management act; modifying the procedure for the declaration and extension of a state of disaster emergency; limiting powers granted to the governor during a state of disaster emergency; defining public health disasters and establishing special provisions therefor; creating the joint committee on emergency management and prescribing powers and duties; prescribing powers, duties and functions of the secretary of health and environment, city and county government, the board of education of each school district, the governing body of each community college and the governing body of each technical college to control the spread of disease; establishing judicial review thereof; prescribing certain reporting requirements for the board of education of each school district, the state board of education and the Kansas state department of education; limiting powers of city health officers and local health officers; amending K.S.A. 48-904, 48-923, 48-933, 65-101, 65-119 and 65-126 and K.S.A. 2019 Supp. 48-925, as amended by section 4 of 2021 Senate Bill No. 14, and K.S.A. 2020 Supp. 48-924, as amended by section 2 of 2021 Senate Bill No. 14, 48-939, 48-949, 65-201 and 65-202 and repealing the existing sections; also repealing K.S.A. 2019 Supp. 48-925, as amended by section 5 of 2021 Senate Bill No. 14, and K.S.A. 2020 Supp. 48-925b.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

The bill passed, as amended.

## EXPLANATION OF VOTE

Mr. President: Just under a year ago, our world changed in unimaginable ways. When COVID-19 hit our state, we still did not understand its spread, its fatality, and its long term health impacts. Our governor – like many other governors in the country – responded swiftly to the outbreak to keep Kansans safe. By the time we nailed down appropriate mitigation strategies, ambitious elected leaders had already seized the opportunity to politicize the pandemic, which has led us directly to this terrible bill. This bill does not help Kansans. This bill will not help us respond to public health disasters in a way that protects Kansans. This bill is yet another dramatic overreach in an attempt to curb a Democratic governor’s actions. We all know we would not be debating this bill if a Republican was on the second floor. Times of disaster and emergency require swift action and agility, not partisan knee-capping. I vote “NO” on **Sub SB 273**. —DINAH SYKES

Senators Haley, Holland and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **Sub SB 273**.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 283**, AN ACT concerning the COVID-19 response and reopening for business liability protection act; modifying immunity for certain persons conducting business in this state for COVID-19 claims accruing on or after March 12, 2020, and prior to termination of the state of disaster emergency related to the COVID-19 public health emergency; amending K.S.A. 2020 Supp. 60-5504, as amended by section 10 of 2021 Senate Bill No. 14, and 60-5508 and repealing the existing sections, by Committee on Federal and State Affairs.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The President referred **SB 283** to the Committee on Judiciary.

## REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 98** be amended on page 5, following line 23, by inserting:

"(h) Notwithstanding any provisions of subsection (a) to the contrary, the governor may appoint a former member in good standing of the board of tax appeals to serve as a member pro tempore of the board for a period not to exceed one year when, after having exercised due diligence, more than one vacancy on the board exists. Such member pro tempore may exercise any power, duty or function as is necessary to serve as a member of the board. Such member pro tempore shall serve at the pleasure of the governor and receive compensation for each day of actual attendance or work as a member based on a prorated of the annual salary provided in K.S.A. 74-2434, and amendments thereto. The provisions of this subsection shall expire on June 30, 2023.";

On page 1, in the title, in line 4, after "expires" by inserting "; authorizing appointment by the governor of a member pro tempore under certain conditions"; and the bill be passed as amended.

Committee on **Education** recommends **SB 173** be amended on page 1, in line 33, after "dyslexia" by inserting "or characteristics of dyslexia";

On page 3, in line 8, by striking all after the second "shall"; by striking all in lines 9 through 14; in line 15, by striking all before the period and inserting "repay such money to the school district's at-risk education fund. On or before January 15 of each year, the state board shall notify the house and senate standing committees on education, or any successor committees, which school districts had to replay such money and the amount of money each such school district repaid for the preceding school year"; in line 16, by striking "and does not show improvement within five" and inserting "for three consecutive"; by striking all in lines 19 and 20;

On page 8, in line 8, by striking "2022" and inserting "2023"; in line 9, by striking "2023" and inserting "2024"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 84** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 84," as follows:

"Substitute for SENATE BILL No. 84

By Committee on Federal and State Affairs

"AN ACT concerning gaming; relating to the Kansas expanded lottery act; Kansas lottery and Kansas racing and gaming commission, rules and regulations; authorizing sports wagering; authorizing uses of the problem gambling and addictions grant fund; creating the sports wagering receipts fund and the white collar crime fund; amending K.S.A. 46-2301, 74-8702, 74-8710, 74-8711, 74-8716, 74-8718, 74-8733, 74-8734, 74-8751, 74-8752, 74-8756, 74-8757, 74-8758, 74-8760, 74-8772, 79-4805 and 79-4806 and K.S.A. 2020 Supp. 21-6403, 21-6507 and 21-6508 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Judiciary** recommends **HB 2026** be amended on page 3, in line 13, by striking "and"; in line 14, after "supervision" by inserting "; and

(D) waiver of the supervision fee established in this subsection";

Also on page 3, in line 15, after "(3)" by inserting "(A)"; in line 19, after the period by inserting:

"(B)";

Also on page 3, in line 21, by striking all after the first "the"; by striking all in lines 22 through 27; in line 28, by striking all before "The" and inserting "county or district attorney.

(C) All moneys collected pursuant to this section shall be paid into the county general fund and used to fund the costs of diversion supervision performed pursuant to a memorandum of understanding under this subsection.

(D)";

Also on page 3, in line 29, by striking "supervision"; in line 30, by striking "officer" and inserting "county or district attorney in accordance with a memorandum of understanding under this subsection"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 238** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 238," as follows:

"Substitute for SENATE BILL No. 238

By Committee on Public Health and Welfare

"AN ACT concerning health and healthcare; relating to credentialing of health professions and facilities; certification and funding of certified community behavioral

health clinics; prescribing powers, duties and functions of the Kansas department for aging and disability services and the department of health and environment related thereto; authorizing the issuance of telemedicine waivers for out-of-state healthcare providers; relating to professions regulated by the behavioral sciences regulatory board; reducing certain licensing requirements; expanding temporary practice permits and the board's grounds for discipline; amending K.S.A. 65-5804a, 65-5807a, 65-5808, 65-5809, 65-6309a, 65-6311, 65-6404, 65-6405a, 65-6408, 65-6610, 65-6612, 65-6615, 74-5316a, 74-5324, 74-5363, 74-5367a and 74-5369 and K.S.A. 2020 Supp. 65-6306 and 65-6411 and repealing the existing sections."

And the substitute bill be passed.

Committee on **Transportation** recommends **SB 100** be amended on page 1, following line 9, by inserting:

"New Section 1. (a) Any person who is financially unable to pay either the full amount of their original traffic fine or fines and court costs or a monthly payment from an approved hardship payment plan, as described in this section, may contact the court of jurisdiction to request a hardship waiver to offset part or all of the balance owed. The waiver shall include options for monthly installment payments and credits, or both, earned by the defendant doing community service and attending court approved classes, or both. A monthly payment amount shall be calculated based on all fines and fees and all anticipated costs owed within that jurisdiction and shall correspond to the person's ability to pay. The monthly payment plan amount shall be the greater of \$10 or 2% of the person's annual net income, as of their most recent tax return, divided by 12.

(b) A single page, uniform hardship waiver application form shall be made available to download from the department of revenue website in addition to being provided in each jurisdiction's clerk of court office for defendants to sign and submit to the court. If the court denies an economic hardship petition, a written explanation shall be provided to the defendant stating the reason or reasons for the denial.

(c) Under the terms of the original traffic fine or fines and court costs payment agreement made with the court, the municipal or judicial district court shall order:

(1) The recall of any warrants directly related to the suspension of the person's driver's license;

(2) the waiver of any reinstatement and collection fees directly related to the suspension;

(3) the expungement of any previous driving on suspended convictions due to nonpayment of traffic fines and court costs, or both, or failure to appear; and

(4) the court may also order that a defendant who enters into a payment agreement shall receive credit against any remaining traffic fines and court costs owed by performing community service and attending classes, or both, including online courses, aimed at defensive and safe driving techniques or a state-approved traffic school program. The court shall approve any classes and community service before the person will receive credit toward their original traffic fines or court costs. Once approved, the person shall receive a credit toward the balance owed in an amount equal to \$15 for each hour spent by the person doing community service and \$15 for each hour spent attending classes.

(d) After a hardship payment plan has been approved by the court, the court shall order the division of vehicles to reinstate the driver's driving privileges without restriction. After a person has their driving privileges reinstated by agreeing to an

approved hardship payment plan, such person's driver's license shall not be suspended due to nonpayment until they have failed to pay for 90 consecutive days.

(e) Any violation of law by the person holding a restricted license that would result in the suspension or revocation of a driver license shall result in the revocation of the restricted license.

(f) As soon as the original traffic fine or fines and court costs have been paid as agreed by the defendant, the district or municipal court shall electronically order the division of vehicles to immediately remove the restrictions on the defendant's driver's license and mail written notification to the defendant that their Kansas driver's privileges and license have been reinstated.

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

- (1) Non-traffic warrants; or
- (2) a person whose driver's license has been suspended or revoked under the provisions of K.S.A. 8-2,144, 8-1567 and 8-1567a, and amendments thereto, or K.S.A. 2020 Supp. 8-1025, and amendments thereto.";

On page 3, following line 6, by inserting:

"Sec. 3. K.S.A. 2020 Supp. 8-2106 is hereby amended to read as follows: 8-2106.

(a) A law enforcement officer may prepare and deliver to a person a written traffic citation on a form approved by the division of motor vehicles, if the law enforcement officer stops the person for a violation of:

(1) The uniform act regulating traffic on highways, which violation is a misdemeanor or a traffic infraction;

(2) K.S.A. 8-262, 8-287, 8-2,144, 8-1599, 40-3104, 40-3106, 41-715, 41-724, 41-727, 47-607, 66-1,111, 66-1,129, 66-1,139, 66-1,140, 66-273, 66-1314, 66-1324, 66-1330, 66-1331, 66-1332, 68-2104, 68-2106 or ~~subsection (b) of K.S.A. 79-34,122(b), or K.S.A. 2020 Supp. subsection (a) of 21-5607(a), 21-5810, 21-5815, 21-5816, subsection (a) of 21-5817(a) or 21-6203, and amendments thereto;~~

(3) K.S.A. 31-155, and amendments thereto, involving transportation of bottle rockets;

(4) K.S.A. 66-1314 or 66-1328, and amendments thereto, and any rules and regulations adopted pursuant thereto;

(5) any rules and regulations adopted pursuant to K.S.A. 2-1212, 68-2001 or 31-146, and amendments thereto;

(6) any rules and regulations adopted pursuant to K.S.A. 31-133, and amendments, thereto relating to transportation of materials or fuel; ~~or~~

(7) K.S.A. 8-1343 through 8-1347, and amendments thereto, relating to the child passenger safety act; or

(8) K.S.A. 8-2501 through 8-2507, and amendments thereto, relating to the safety belt use act.

(b) The citation shall contain a notice to appear in court, the name and address of the person, the type of vehicle the person was driving, whether hazardous materials were being transported, whether an accident occurred, the state registration number of the person's vehicle, if any, a statement whether the vehicle is a commercial vehicle, whether the person is licensed to drive a commercial motor vehicle, the offense or offenses charged, the time and place when and where the person shall appear in court, the phone number and email address of the clerk of the court of the jurisdiction, the signature of the law enforcement officer, and any other pertinent information.

(c) The time specified in the notice to appear shall be at least five days after the alleged violation unless the person charged with the violation demands an earlier hearing.

(d) The place specified in the notice to appear shall be before a judge of the municipal or district court within the county in which the offense is alleged to have been committed.

(e) Except in the circumstances to which ~~subsection (a) of~~ K.S.A. 8-2104(a), and amendments thereto, apply, in the discretion of the law enforcement officer, a person charged with a misdemeanor may give written promise to either appear in court or phone or email the clerk of the court to enter a plea prior to the court date and by signing at least one copy of the written citation prepared by the law enforcement officer, in which event the law enforcement officer shall deliver a copy of the citation to the person and shall not take the person into physical custody.

(f) When a person is charged with a traffic infraction, the notice to appear shall provide a place where the person may make a written entry of appearance, waive the right to a trial and plead guilty or no contest. Such notice to appear shall contain a provision that the person's failure to either enter a plea with the clerk of the court prior to the specified time and, if pleading guilty, make payments as agreed to with the court, pay such fine and court costs or appear in court at the specified time may result in suspension of the person's drivers' license as provided in K.S.A. 8-2110, and amendments thereto. The notice to appear shall provide a space where the law enforcement officer shall enter the appropriate fine specified in the uniform fine schedule contained in K.S.A. 8-2118, and amendments thereto, for the violation charged and court costs in the amount provided by law. If the notice to appear does not do so, the law enforcement officer shall provide a person charged with a traffic infraction a form explaining the person's right to contact the clerk of the court of the jurisdiction to enter a plea prior to the date to appear and right to a trial and the person's right to negotiate with the court a plan to pay the fine or fines stated on the traffic citation and court costs or pay the appropriate fine and court costs prior to the appearance date. The law enforcement officer shall provide the person with the phone number and email address of the clerk of the court and the address of the court to which the written entry of appearance, waiver of trial, plea of guilty or no contest and payment of fine and court costs shall be mailed.

(g) Any officer violating any of the provisions of subsection (f) is guilty of misconduct in office and shall be subject to removal from office.";

Also on page 3, in line 10, by striking the first "and" and inserting "or enter a plea with the clerk of the court prior to their assigned court date, and, if pleading guilty,"; also in line 10, by striking "in full"; also in line 10, by striking all after "costs"; by striking all in line 11; in line 12, by striking all before the period and inserting "in accordance with the amount and payment plan agreed upon by the court"; in line 20, by striking all before "within" and inserting "enter a plea with the court"; in line 27, by striking all before "the";

On page 4, in line 6, by striking ", the driver" and inserting "or failure to appear in court or contact the court to enter a plea prior to their court date";

On page 6, in line 23, after the comma by inserting "8-2106,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "driving; relating to"; also in line 1, by striking all after the first semicolon; in line 5, after the semicolon by inserting "providing for payment plans and waiver of fines; requiring certain contact information on a traffic citation;"; also in line 5, after "8-262" by inserting ", 8-2106"; and the bill be passed as amended.

#### **REPORT ON ENROLLED BILLS**

**SB 27** reported correctly enrolled, properly signed and presented to the Governor on March 1, 2021.

**SR 1710, SR 1711, SR 1712** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 1, 2021.

On motion of Senator Suellentrop, the Senate adjourned until 10:00 a.m., Tuesday, March 2, 2021.

# Journal of the Senate

THIRTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 2, 2021, 10:00 a.m.

The Senate was called to order by Vice President Rick Wilborn.  
The roll was called with 39 senators present.  
Invocation by Reverend Cecil T. Washington:

To Have A GREAT Nation, Following A GREAT God!  
Genesis 12:1-4; Exodus 20:1-17

Dear God of all creation, in Genesis 12:1-4, when there was only Abram and his wife Sarah, You promised to make him into a GREAT nation. But, to have a great NATION three components were required; a great people, a great land to call home and great laws to govern the people and regulate the land. You said that all peoples of the earth would then be blessed through what You were going to do for them; by giving them the people, the land and the great laws they were to follow.

Now Lord, You did that for them. And You've done the same for us. You've made us a great people and a great nation. And to govern us, You've given us the same great commandments to follow.

So, help us, individually and collectively as a nation, to realize that the extent to which we will continue to be blessed and able to bless others depends on the extent to which we will follow Your great commandments. And Lord, the first of Your Ten Commandments, found in Exodus 20, is the first principle for greatness, which is foundational to all the rest. It's to honor You and have no other so-called god's coming before You.

So Lord, make us a great people, in a great land, holding to Your great laws, while following and glorifying our great God.

I come to You in the great Name of Jesus, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

## FINAL ACTION ON CONSENT CALENDAR

**SB 19, SB 160** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**SB 19**, AN ACT concerning roads and highways; designating a portion of United States highway 77 as the CPL Allen E Oatney and SP4 Gene A Myers memorial highway; amending K.S.A. 68-1022 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll,

Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

**SB 160**, AN ACT concerning wildlife, parks and tourism; relating to the commercialization of wildlife; updating the reference to the guidelines of the American fisheries society; amending K.S.A. 2020 Supp. 32-1005 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Tyson.

The bill passed.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 51**, AN ACT concerning the state department of education and the department for children and families; relating to students in foster care; requiring a Kansas foster care children annual academic report card, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

**SB 62**, AN ACT concerning schools; relating to student vision screenings and the standards therefor; establishing the Kansas children's vision health and school readiness commission; amending K.S.A. 72-6241 and 72-6242 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Hilderbrand, Peck, Pyle, Tyson.

The bill passed.

**SB 83**, AN ACT concerning the state child death review board; relating to confidentiality of records; exceptions; amending K.S.A. 2020 Supp. 22a-243 and repealing the existing section, was considered on final action.

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

Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**SB 86**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and retirement systems thereunder; conforming certain KPERS provisions with the federal CARES act; amending K.S.A. 74-49,123 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

**SB 106**, AN ACT enacting the revised uniform law on notarial acts; repealing the uniform law on notarial acts; amending K.S.A. 16-1611, 58-2209 and 58-2211 and K.S.A. 2020 Supp. 25-3602, 25-3902, 25-3902a, 25-3904, 25-3904a, 49-512, 58-652 and 58-4403 and repealing the existing sections; also repealing K.S.A. 53-101, 53-102, 53-103, 53-104, 53-105, 53-105a, 53-106, 53-107, 53-109, 53-113, 53-114, 53-115, 53-116, 53-117, 53-119, 53-120, 53-501, 53-502, 53-503, 53-504, 53-505, 53-506, 53-507, 53-508, 53-510 and 53-511 and K.S.A. 2020 Supp. 53-118, 53-121 and 53-509, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**SB 120**, AN ACT establishing the joint committee on child welfare system oversight; concerning the safety and well-being of children in the child welfare system in the state of Kansas; requiring an annual report to the legislature, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Steffen, Tyson.

The bill passed.

**SB 126**, AN ACT concerning alcoholic beverages; relating to the club and drinking establishment act; authorizing the sale of alcoholic liquor by class A clubs at special events; amending K.S.A. 2020 Supp. 41-2601 and 41-2637 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 1; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Peck.

Present and Passing: Francisco, Steffen.

The bill passed.

**SB 142**, AN ACT concerning wildlife, parks and recreation; relating to boating and water activities; requiring personal flotation devices as prescribed by the secretary of wildlife, parks and tourism in rules and regulations; amending K.S.A. 32-1129 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Hilderbrand, Pyle, Tyson.

The bill passed, as amended.

**SB 143**, AN ACT concerning agriculture; relating to grain warehouses; updating definitions; increasing maximum functional unit license and storage fees; amending K.S.A. 34-2,107 and 34-2,111 and K.S.A. 2020 Supp. 34-223, 34-228 and 34-2,112 and repealing the existing sections; also repealing K.S.A. 34-136, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Steffen, Suellentrop, Sykes, Tyson, Ware, Wilborn.

Nays: Erickson, Gossage, Hilderbrand, Peck, Pittman, Pyle, Straub, Thompson, Warren.

The bill passed, as amended.

**SB 159**, AN ACT concerning certain claims against the state; making appropriations; authorizing certain transfers; imposing certain restrictions and limitations; directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll,

Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

**SB 172**, AN ACT concerning crimes, punishment and criminal procedure; creating the crimes of trespassing on a critical infrastructure facility and criminal damage to a critical infrastructure facility; eliminating the crime of tampering with a pipeline; requiring payment of restitution; amending K.S.A. 2020 Supp. 21-5818, 21-6328 and 21-6604 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 29; Nays 9; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Faust-Goudeau, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Present and Passing: Francisco.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I am voting against this bill, which includes far-reaching criminal penalties for crimes which have been sensationalized at the national level, but have thus far not existed in Kansas. Of course we need to protect our critical infrastructure; but we also have an obligation to uphold our Constitution. This bill threatens first amendment rights. I have concerns about Kansans' freedom of assembly rights and the future litigation that will almost certainly arise from Kansans exercising their right to peacefully protest and assemble.—DINAH SYKES

Senators Haley, Holland, and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **SB 172**.

Mr. Vice President: The people of Kansas depend upon our critical infrastructure. There should be a bright red line in our laws which says tampering with it is unacceptable. This bill creates a tiered approach regarding penalties. That approach is appropriate. It sends a clear message not to cross that red line. In the debate in this chamber, we heard a lot about the right to protest. There are many ways to do so peacefully that are consistent with the law. My primary concern is with the people of Kansas who need to know our infrastructure will always be protected. I vote Yes on **SB 172**.—KELLIE WARREN

Senators Erickson, Gossage, Hilderbrand, Masterson, Petersen, Suellentrop and Thompson request the record to show they concur with the "Explanation of Vote" offered by Senator Warren on **SB 172**.

**SB 175**, AN ACT concerning health and healthcare; relating to hospitals and healthcare-related facilities; establishing rural emergency hospitals as a rural healthcare licensure category; requirements for licensure; enacting the rural emergency hospital

act; amending K.S.A. 65-425 and 65-431 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**SB 261**, AN ACT concerning the Kansas asbestos control program; establishing the asbestos remediation fund; specifying the expenditure of moneys therefrom; crediting certain fees and penalties therein; amending K.S.A. 65-5309 and 65-5314 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Tyson.

The bill passed, as amended.

**HB 2022**, AN ACT concerning oil and gas wells; relating to the state corporation commission; investigation and determination of responsibility for abandoned wells; plugging abandoned wells; abolishing the well plugging assurance fund and transferring all assets and liabilities to the abandoned oil and gas well fund; amending K.S.A. 55-150, 55-161, 55-168, 55-178, 55-179, 55-180, 55-192 and 75-3036 and K.S.A. 2020 Supp. 55-155 and repealing the existing sections; also repealing K.S.A. 55-163, 55-166 and 55-167 and K.S.A. 2020 Supp. 55-193, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

#### COMMITTEE OF THE WHOLE

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

**SB 122, SB 131, SB 170** be passed.

**SB 78, SB 101, SB 116, SB 178** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**SB 167** be amended by the adoption of the committee amendments, be further

amended by motion of Senator Claeys; on page 1, in line 18, by striking the third comma and inserting "; motor vehicles operated by a provider, as defined in K.S.A. 17-1902, and amendments thereto, or a wireless infrastructure provider or a wireless services provider, as defined in K.S.A. 66-2019, and amendments thereto";

On page 2, in line 15, by striking "and"; in line 21, after "safety" by inserting "; and (5) motor vehicles operated by a provider, as defined in K.S.A. 17-1902, and amendments thereto, or a wireless infrastructure provider or a wireless services provider, as defined in K.S.A. 66-2019, and amendments thereto";

On page 1, in the title, in line 2, after the second "vehicles" by inserting "and telecommunications vehicles"; and **SB 167** be passed as further amended.

The Committee rose and reported progress (See Committee of the Whole afternoon session.)

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

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## INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Suellentrop, Alley, Baumgardner, Erickson, Fagg, Faust-Goudeau, Hilderbrand, Kerschen, Masterson, McGinn, Petersen, Ware, Warren and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1713—

A RESOLUTION supporting the Future Vertical Lift program  
as a part of United States Army modernization.

WHEREAS, The United States of America faces a growing multi-faceted national security threat from near-peer challengers around the world; and

WHEREAS, The national security of the United States requires multiple critical modernization efforts across all branches of the United States military; and

WHEREAS, Kansas is home to five military installations, major members of the United States defense industrial base, world-class academic institutions and strategic assets essential to our national defense; and

WHEREAS, Our servicemen and women require vertical lift aircraft with greater reach, speed, agility, lethality and survivability to compete in the critical anti-access, anti-denial environments around the world; and

WHEREAS, The United States Army modernization plan involves six mutually supporting priorities, including Future Vertical Lift, to enable the joint force to counter evolving threats; and

WHEREAS, The Future Vertical Lift program involves a next-generation family of aircraft, enabling the United States Department of Defense to successfully meet these emerging and rapidly evolving threats; and

WHEREAS, Within the Future Vertical Lift program, the Future Long-Range Assault Aircraft program seeks to modernize the vertical lift fleet by delivering the most modern, versatile and lethal weapons systems in the world in order to win on the modern battlefield; and

WHEREAS, Future Long-Range Assault Aircraft will serve as the primary air assault, aerial medical evacuation and medium utility aircraft for the United States Army; and

WHEREAS, The United States Marine Corps is likewise assessing the platform for its future utility and attack requirements; and

WHEREAS, Future Long-Range Assault Aircraft would enhance the capability of the United States Army National Guard to execute national security missions and respond to domestic contingencies, such as natural disasters, as well as position the Guard as an operational strategic reserve; and

WHEREAS, The Future Vertical Lift program generally, and the Future Long-Range Assault Aircraft program in particular, will help drive innovation and create research, development and employment opportunities in the Kansas aerospace and defense ecosystem; and

WHEREAS, The Future Long-Range Assault Aircraft program can deliver significant economic benefits and advance Kansas' objective to grow and diversify the state's economy while supporting national security efforts; and

WHEREAS, The Future Vertical Lift and Future Long-Range Assault Aircraft programs will require full funding and support from the federal government: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the state of Kansas supports the United States Army's Future Vertical Lift program, including the Future Long-Range Assault Aircraft program as part of United States Army modernization plan; and

*Be it further resolved:* The state of Kansas requests the full support of the Kansas congressional delegation to ensure full funding for the Future Vertical Lift program, including the Future Long-Range Assault Aircraft program, in the President's federal budget and subsequent authorization and appropriations legislation; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to each member of the United States Senate and the United States House of Representatives serving Kansas.

On emergency motion of Senator Suellentrop **SR 1713** was adopted by voice vote.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator McGinn the report for the morning and the following afternoon session was adopted.

**SB 23, SB 91, SB 102, SB 104, SB 235** be passed.

**SB 90** be amended by motion of Senator Holland; on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2020 Supp. 12-5242 is hereby amended to read as follows: 12-5242. Except as otherwise provided, as used in K.S.A. 12-5241 through 12-5251 and K.S.A. 2020 Supp. 12-5252 through 12-5258, and amendments thereto, the following words and phrases shall have the following meanings unless a different meaning clearly appears from the context:

(a) "City" means any city incorporated in accordance with Kansas law with a population of less than 60,000 ~~in a county with a population of less than 80,000~~, as certified to the secretary of state by the director of the division of the budget on the

previous July 1 in accordance with K.S.A 11-201, and amendments thereto.

(b) "City housing authority" means any agency of a city created pursuant to the municipal housing law, K.S.A. 17-2337 et seq., and amendments thereto.

(c) "Corporation" means the Kansas housing resources corporation.

(d) "County" means any county organized in accordance with K.S.A. 18-101 et seq., and amendments thereto, with a population of less than 60,000, as certified to the secretary of state by the director of the division of the budget on the previous July 1<sup>st</sup> in accordance with K.S.A 11-201, and amendments thereto.

(e) "Developer" means the person, firm or corporation responsible under an agreement with the governing body to develop housing or related public facilities in a district.

(f) "District" means a rural housing incentive district established in accordance with this act.

(g) "Governing body" means the board of county commissioners of any county or the mayor and council, mayor and commissioners or board of commissioners, as the laws affecting the organization and status of cities affected may provide.

(h) "Housing development activities" means the construction or rehabilitation of infrastructure necessary to support construction of new residential dwellings and the actual construction of such residential dwellings, if such construction is conducted by a city housing authority.

(i) "Secretary" means the secretary of commerce of the state of Kansas.

(j) "Real property taxes" means and includes all taxes levied on an ad valorem basis upon land and improvements thereon.

(k) "Taxing subdivision" means the county, the city, the unified school district, and any other taxing subdivision levying real property taxes, the territory or jurisdiction of which includes any currently existing or subsequently created rural housing incentive district.";

On page 2, in line 7, by striking "is" and inserting "and K.S.A. 2020 Supp. 12-5242 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1 after the semicolon, by inserting "amending the definition of "city"; in line 3, after "12-5249" by inserting " and K.S.A. 2020 Supp. 12-5242"; in line 4, by striking "section" and inserting "sections"

And the bill be passed as amended.

**SB 124** be amended by motion of Senator Baumgardner; on page 1, following line 9, by inserting:

"New Section 1. (a) No state or local government official shall benefit financially, either directly or indirectly, from any STAR bond project.

(b) For the purposes of this section, "state or local government official" means a member of the legislature, an appointed or elected official or officer of any state agency, office, board, commission, authority or institution and an appointed or elected official, officer or member of the government authority of any government subdivision, including any city, county, township, school district, special district, board or commission.

(c) This section shall be a part of and supplemental to the STAR bonds financing act.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after the semicolon by inserting "prohibiting public officials from benefiting from STAR bond projects;"

And the bill be passed as amended.

A motion by Senator Holland to amend **SB 124** failed and the following amendment was rejected; on page 10, in line 40, after the period by inserting "For a city proposing to finance any major multi-sport athletic complex, the secretary, upon approving the project, may approve such financing in an amount not to exceed 35% of the total project costs, including all project costs and any other costs related to the project."

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

On roll call, the vote was: Yeas 12; Nays 22; Present and Passing 3; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Erickson, Francisco, Gossage, Haley, Hawk, Holland, McGinn, Steffen, Straub, Tyson.

Nays: Bowers, Corson, Dietrich, Doll, Fagg, Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Sykes, Thompson, Ware, Wilborn.

Present and Passing: Faust-Goudeau, Suellentrop, Warren.

Absent or Not Voting: Billinger, Claeys.

A motion by Senator Fagg to amend **SB 124** failed and the following amendment was rejected; on page 5, in line 35, by striking "by the secretary of commerce";

On page 6, following line 39, by inserting:

"Sec. 2. K.S.A. 2020 Supp. 12-17,164 is hereby amended to read as follows: 12-17,164. (a) The governing body of a city may establish one or more STAR bond projects in any area within such city or wholly outside the boundaries of such city. A STAR bond project wholly outside the boundaries of such city must be approved by the board of county commissioners by the passage of a county resolution.

The governing body of a county may establish one or more STAR bond projects in any unincorporated area of the county.

The projects shall be eligible for financing by special obligation bonds payable from revenues described by K.S.A. 2020 Supp. 12-17,169(a)(1), and amendments thereto.

(b) Each STAR bond project shall first be approved by the state treasurer, secretary of revenue and secretary, if the state treasurer, secretary of revenue and secretary determines determine that the proposed project or complex sufficiently promotes, stimulates and develops the general and economic welfare of the state as described in K.S.A. 2020 Supp. 12-17,160, and amendments thereto. The secretary, ~~upon approving the~~ after the project has been approved, may approve such financing in an amount not to exceed 50% of the total costs including all project costs and any other costs related to the project. The proceeds of such STAR bond financing may only be used to pay for incurred project costs.

(c) For a city proposing to finance a major motorsports complex pursuant to K.S.A. 2020 Supp. 12-17,169(a)(1)(C) or (a)(1)(E), and amendments thereto, the secretary, upon approving the project, may approve such financing in an amount not to exceed 50% of the STAR bond project costs.

(d) The state treasurer, secretary of revenue and secretary may approve a STAR bond project located in a STAR bond project district established by a city prior to May 1, 2003.

(e) A project shall not be granted to any business that proposes to relocate its

business from another area of the state into such city or county, for the purpose of consideration for a STAR bond project provided by K.S.A. 2020 Supp. 12-17,160 et seq., and amendments thereto.

(f) A project shall not be approved by the state treasurer, secretary of revenue and secretary if the market study required by K.S.A. 2020 Supp. 12-17,166, and amendments thereto, indicates a substantial negative impact upon businesses in the project or complex market area or the granting of such project or complex would cause a default in the payment of any outstanding special obligation bond payable from revenues authorized pursuant to K.S.A. 2020 Supp. 12-17,169(a)(1), and amendments thereto.

(g) The maximum maturity of special obligation bonds payable primarily from revenues described by K.S.A. 2020 Supp. 12-17,169(a)(1), and amendments thereto, to finance STAR bond projects pursuant to this section shall not exceed 20 years.

(h) The state treasurer, secretary of revenue and secretary shall not approve any application for STAR bond project financing which is submitted by a city or county more than one year after the STAR bond project district in which the STAR bond project is located has been established.

(i) For the purpose of recovering the costs of the secretary and the department arising from fulfilling administrative, review, approval, oversight and other responsibilities under the STAR bonds financing act and from providing assistance to cities, counties and private businesses in relation to STAR bond projects, the secretary may assess an administrative fee of up to 1%, not to exceed \$200,000, of the amount of the special obligation bonds payable from revenues described by K.S.A. 2020 Supp. 12-17,169(a)(1), and amendments thereto, issued or reissued for STAR bond projects. The secretary may also recover any actual costs incurred by the secretary in excess of the fee. The fee, and any actual costs incurred by the secretary in excess of the fee, shall be paid to the secretary from the proceeds of such bonds. All such moneys received by the secretary 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 STAR bond administrative fee fund, which is hereby created in the state treasury. All expenditures from the STAR bond administrative fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or a person or persons designated by the secretary.";

On page 10, in line 30, after the first "the" by inserting "state treasurer, secretary of revenue and"; also in line 30, after "and" by inserting "one year to appeal to the secretary for";

On page 11, in line 33, by striking "by the secretary";

On page 17, in line 2, after "12-17,162" by inserting "12-17,164,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the first semicolon by inserting "requiring approval of STAR bond projects by the state treasurer, secretary of revenue and secretary of commerce;"; in line 6, after "12-17,162" by inserting "12-17,164,".

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

On roll call, the vote was: Yeas 16; Nays 19; Present and Passing 1; Absent or Not Voting 3.

Yeas: Alley, Baumgardner, Bowers, Erickson, Fagg, Francisco, Gossage, Kloos, Masterson, O'Shea, Peck, Steffen, Straub, Thompson, Tyson, Warren.

Nays: Corson, Dietrich, Faust-Goudeau, Hilderbrand, Holland, Holscher, Kerschen, Longbine, McGinn, Olson, Petersen, Pettey, Pittman, Pyle, Suellentrop, Sykes, Ware, Wilborn.

Present and Passing: Haley.

Absent or Not Voting: Billinger, Claeys, Doll.

A motion by Senator Tyson to amend **SB 124** failed.

Three motions by Senator Baumgardner to amend **SB 124** failed.

A motion by Senator Sykes to amend **SB 235** failed and the following amendment was rejected; on page 1, in line 5, by striking "this"; also in line 5, after "section" by inserting "3"; following line 8, by inserting:

"Section 1.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2021, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

COVID-19 hazard pay for teachers fund .....No limit

*Provided*, That, notwithstanding the provisions of any other statute, during the fiscal year ending June 30, 2021, the director of the budget shall determine the amount of moneys received by the state from the federal consolidated appropriations act, 2021, public law 116-260, and any other federal law that appropriates moneys to the state for aid for coronavirus relief, that are identified as moneys that may be expended at the discretion of the state: *Provided further*, That the director of the budget shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of legislative research: *And provided further*, That, upon receipt of each such certification, if the total certified amount is greater than \$5,000,000, the director of accounts and reports shall transfer \$5,000,000 of the amount certified from the identified federal funds in the state treasury to the COVID-19 hazard pay for teachers fund: *And provided further*, That such funds shall be distributed to eligible teachers as determined by the above agency.

Sec. 2.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

COVID-19 hazard pay for teachers fund .....No limit

*Provided*, That, notwithstanding the provisions of any other statute, during the fiscal year ending June 30, 2022, the director of the budget shall determine the amount of moneys received by the state from the federal consolidated appropriations act, 2021, public law 116-260, and any other federal law that appropriates moneys to the state for aid for coronavirus relief, that are identified as moneys that may be expended at the discretion of the state: *Provided further*, That the director of the budget shall certify the amount so determined to the director of accounts and reports and, at the same time as

such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of legislative research: *And provided further*; That, upon receipt of each such certification, if the total certified amount is greater than \$5,000,000, the director of accounts and reports shall transfer \$5,000,000 of the amount certified from the identified federal funds in the state treasury to the COVID-19 hazard pay for teachers fund: *And provided further*; That such funds shall be distributed to eligible teachers as determined by the above agency.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "student attendance" and inserting "school districts; providing for COVID-19 hazard pay for teachers; making and concerning appropriations for the fiscal years ending June 30, 2021, and June 30, 2022, for the department of education"; in line 2, by striking "school districts to provide for".

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

On roll call, the vote was: Yeas 11; Nays 25; Present and Passing 1; Absent or Not Voting 2.

Yeas: Corson, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman Sykes

Nays: Alley, Baumgardner, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn

Present and Passing: Pyle

Absent or Not Voting: Billinger, Ware

**SB 63** be amended by the adoption of the committee amendments, and the bill be passed as amended.

**SB 127** be amended by the adoption of the committee amendments, be further amended by motion of Senator Faust-Goudeau; on page 13, in line 27, by striking all after "privileges"; by striking all in lines 28 through 32; in line 33, by striking all before the period; in line 37, by striking all after "privileges"; by striking all in lines 38 through 43;

On page 14, in line 1, by striking all before the period and **SB 127** be passed as further amended.

**SB 37, SB 46, Sub SB 238** be passed over and retain a place on the calendar.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 284**, AN ACT concerning the Kansas emergency management act; authorizing a state of disaster emergency to continue for not longer than 21 days unless ratified by concurrent resolution of the legislature; providing for extensions for specified periods not to exceed 30 days each; amending K.S.A. 2019 Supp. 48-925, as amended by section 5 of 2021 Senate Bill No. 14, and K.S.A. 2020 Supp. 48-924, as amended by section 2 of 2021 Senate Bill No. 14, and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 285**, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the alpha kappa alpha license plate, by Committee on Federal and State Affairs.

**SB 286**, AN ACT concerning economic development; relating to the COVID-19 pandemic in Kansas; creating the COVID-19 governmental use claims fund; providing funds for impacted businesses; providing for income tax credits for impacted businesses; providing for the reimbursement to certain property owners of property taxes resulting from a forced shutdown or capacity limitation; providing for a business loan forgiveness program, by Committee on Assessment and Taxation.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2137, HB 2145, HB 2162, HB 2201, HB 2203, HB 2212, HB 2214, HB 2238, HB 2252, HB 2264, HB 2270, HB 2275, HB 2292, HB 2297, HB 2298, HB 2321, HB 2367, HB 2374, HB 2387, HB 2390.**

Announcing passage of **SB 33.**

Announcing passage of **HB 2128; Sub HB 2166; HB 2247, HB 2259, HB 2391.**

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2128, HB 2137, HB 2145, HB 2162; Sub HB 2166; HB 2201, HB 2203, HB 2212, HB 2214, HB 2238, HB 2247, HB 2252, HB 2259, HB 2264, HB 2270, HB 2275, HB 2292, HB 2297, HB 2298, HB 2321, HB 2367, HB 2374, HB 2387, HB 2390, HB 2391** were thereupon introduced and read by title.

#### CHANGE OF REFERENCE

The President withdrew **SB 100** from the Calendar under the heading of **General Orders**, and referred the bill to the Committee on **Federal and State Affairs**.

#### REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 283** be amended on page 1, in line 13, before "Notwithstanding" by inserting "(a)"; following line 19, by inserting:

"(b) The provisions of this section shall expire on March 31, 2022."; by striking all in lines 20 through 28; in line 30, by striking "and 60-5508 are" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "modifying" and inserting "extending"; in line 3, by striking all after "claims"; by striking all in line 4; in line 5, by striking all before the semicolon and inserting "until March 31, 2022"; in line 7, by striking "and 60-5508"; in line 8, by striking "sections" and inserting "section"; and the bill be passed as amended.

On motion of Senator Suellentrop, the Senate adjourned until 10:00 a.m., Tuesday, March 3, 2021.

# Journal of the Senate

THIRTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 3, 2021, 10:00 a.m.

The Senate was called to order by President Ty Masterson.  
The roll was called with 39 senators present.  
Invocation by Reverend Cecil T. Washington:

Getting Past The Hump!  
Nehemiah 8:1-12

Heavenly Father, we're in the middle. We're in the middle of fulfilling our labors. Some call it turn-around week. And when we take a narrower view, we're even in the middle of the week. Some call it hump day. And Lord, we look for things to go more smoothly as we move beyond the hump.

The pandemic has been a hump for us; with a lot of sickness; a lot of deaths; a lot of confusion and a lot of yet unanswered questions. But even COVID is a hurdle that You're taking us over.

In Nehemiah 8, after reading from Your Word, the people were encouraged. Trusting in You meant things were going to get better. In verse 10, the governor, Nehemiah, was inspired by You to tell the people that it was a good day. Because it was a day dedicated to You, it was a good day to move forward. You told them to start looking out for those not able to provide for themselves and that the joy of the Lord would be their strength. So Lord, in the same way that You encouraged them, help us to realize that this day, hump day, is a good day; a good day for us!

Help us to put smiles on our faces and move forward. Blessing You, blessing each other and blessing Your people. I thank You for hearing this prayer. In Jesus' Name, Amen!

The Pledge of Allegiance was led by President Masterson.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **HB 2203.**

Assessment and Taxation: **SB 286.**

Federal and State Affairs: **HB 2137, HB 2212, HB 2252.**

Judiciary: **SB 284; HB 2128, HB 2264, HB 2275, HB 2292, HB 2298, HB 2374, HB 2387.**

Local Government: **HB 2238.**

Public Health and Welfare: **HB 2259.**

Transparency and Ethics: **HB 2162, HB 2297, HB 2391.**

Transportation: **SB 285; Sub HB 2166; HB 2201, HB 2247.**

Utilities: **HB 2145, HB 2321, HB 2367.**

Ways and Means: **HB 2214, HB 2270.**

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 23**, AN ACT concerning property taxation; relating to buildings and improvements destroyed or substantially destroyed by natural disaster; amending K.S.A. 79-1613 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Corson.

The bill passed.

**SB 63**, AN ACT concerning education; providing ACT college entrance exams and workkeys assessments to nonpublic school students; notification thereof; report to the legislature; amending K.S.A. 2020 Supp. 72-5179 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**SB 78**, AN ACT concerning insurance; relating to the regulation of the business thereof; granting the commissioner the power to subpoena witnesses and order depositions when conducting certain investigations; updating certain definitions relating to service contracts and surplus lines insurance; interest rate calculations relating to nonforfeiture law for individual deferred annuities; application requirements for certification of utilization review organizations; requirements for out-of-state risk retention groups to do business in state; applications for registration of professional employer organizations; repealing the automobile club services act; amending K.S.A. 40-22a04, 40-22a06 and 40-4103 and K.S.A. 2020 Supp. 40-201a, 40-246i, 40-4,104, 40-22a05 and 44-1704 and repealing the existing sections; also repealing K.S.A. 40-2405, 40-2501, 40-2502, 40-2503, 40-2504, 40-2505, 40-2506, 40-2507, 40-2508, 40-2509, 40-2510, 40-2511, 40-2512 and 40-2513, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson,

Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**SB 90**, AN ACT concerning the Kansas rural housing incentive district act; amending the definition of "city"; permitting the use of bond proceeds for vertical renovations of certain buildings for residential purposes; amending K.S.A. 12-5249 and K.S.A. 2020 Supp. 12-5242 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 33; Nays 6; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Baumgardner, Gossage, Hilderbrand, Steffen, Straub, Tyson.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. President: I remain committed to standing up for taxpayers and against corporate handouts. Economic development programs, such as the STAR Bonds program, are problematic for many reasons. These kinds of targeted subsidy programs have a corrupting effect on democratic institutions, incentivizing unproductive behaviors by politicians and businesses and eroding public faith that the system is fair. However well-intentioned some government assistance may be, the fact remains that the practice of states picking winners and losers benefits a favored few and leaves everyone else to pay the price. Too often, the winners are special interests who lobby for tax breaks while the losers are everyday citizens and small businesses who are forced to pick up the tab.—MARK STEFFEN

Senator Straub requests the record to show she concurs with the "Explanation of Vote" offered by Senator Steffen on **SB 90**.

**SB 91**, AN ACT concerning economic development; relating to the high performance incentive fund; providing for the transferability of tax credits; amending K.S.A. 79-32,160a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Baumgardner, Gossage, Peck, Steffen, Straub.

The bill passed.

#### EXPLANATION OF VOTE

Mr. President: I remain committed to standing up for taxpayers and against corporate handouts. Economic development programs, such as the STAR Bonds program, are problematic for many reasons. These kinds of targeted subsidy programs have a corrupting effect on democratic institutions, incentivizing unproductive behaviors by

politicians and businesses and eroding public faith that the system is fair. However well-intentioned some government assistance may be, the fact remains that the practice of states picking winners and losers benefits a favored few and leaves everyone else to pay the price. Too often, the winners are special interests who lobby for tax breaks while the losers are everyday citizens and small businesses who are forced to pick up the tab.—MARK STEFFEN

Senator Straub requests the record to show she concurs with the "Explanation of Vote" offered by Senator Steffen on **SB 91**.

**SB 101**, AN ACT concerning electric-assisted bicycles; relating to the regulation and approved use thereof; providing for use of certain sizes of motors; amending K.S.A. 8-1437, 8-1439a, 8-1489 and 8-1592b and K.S.A. 2020 Supp. 8-126, 8-128, 8-1402a, 8-1438, 8-1498, 8-2401 and 32-701 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Ware, Warren, Wilborn.

Nays: Hilderbrand, Thompson, Tyson.

The bill passed, as amended.

**SB 102**, AN ACT concerning the Kansas sexually violent predator act; relating to notice of release of a person who may be a sexually violent predator to the attorney general and multidisciplinary team; time; detention during proceedings; amending K.S.A. 2020 Supp. 59-29a02, 59-29a03 and 59-29a05 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

**SB 104**, AN ACT concerning children and minors; relating to the revised Kansas code for care of children; requiring court orders to remain in a present or future placement; amending K.S.A. 2020 Supp. 38-2260 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 9; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Haley, Hawk, Holland, Pettey, Pittman, Sykes, Ware. Present and Passing: Francisco, Holscher.

The bill passed.

## EXPLANATION OF VOTE

Mr. President: I have grave concerns about this piece of legislation. I believe this bill needs more work to ensure we are addressing the needs of these children. It is concerning that the Department of Children and Families opposes this bill in its current form. I think we need to hear from law enforcement to hear their perspective on the nuances of these cases of some of our most vulnerable children. And I think there should be more discussion about requirements for these secure facilities. Bottom line, we have more work to do on this bill, and that's why I'm voting No.—DINAH SYKES

Senators Corson, Haley, Holland and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **SB 104**.

Mr. President: I stand against **SB 104**. Institutionalizing people should always be left to a last resort position and should never be the first thought reaction; Since we are talking about our children here, it should give us even greater pause; and since this bill would remove our judges ability to judge each individual child's situation; and since we have so often heard from folks in this chamber that a "one-size-fits-all" solution is not solution at all; and since there is evidence that placement in a "secure facility" is so traumatic and can have a negative effect on the youth's development; and since our highest goal should be to always provide services to youths in the community rather than in institutions; and since our law currently in place allows for exactly this kind of court order; for all these reasons it is unnecessary to pass this into law.—MARY WARE

Senators Faust-Goudeau, Haley, Holland and Pittman request the record to show they concur with the "Explanation of Vote" offered by Senator Ware on **SB 104**.

Mr. President. The purpose of **SB 104** is very simple yet very important – to ensure runaway foster children and other children at risk are returned to a safe and secure facility. A secure facility, as specifically defined, is not jail. Our most at-risk youth deserve the proper supervision and services that come with being placed in a secure environment. Not doing so would be turning our back on our responsibility to care for these most vulnerable youth, many of whom have runaway multiple times. This bill gives the state of Kansas another tool to ensure the safety of these children. This is good, well-thought-out policy and should be adopted. I vote "Yes" on **SB 104**.—KELLIE WARREN

Senators Bowers, Erickson, Fagg, Gossage, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Suellentrop, Thompson, and Wilborn request the record to show they concur with the "Explanation of Vote" offered by Senator Warren on **SB 104**.

**SB 116**, AN ACT concerning transportation; relating to the Eisenhower legacy transportation program; decreasing the threshold amount required for alternate delivery projects; providing for the usage of federal stimulus funds for certain projects; calculating KDOT bonding and debt cap authority; amending K.S.A. 68-2320 and 68-2328 and K.S.A. 2020 Supp. 68-2314c, 68-2332 and 75-5094 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand,

Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**SB 122**, AN ACT concerning civil procedure; relating to the rules of evidence; methods to satisfy requirement to authenticate or identify records and documents; amending K.S.A. 60-464 and 60-467 and K.S.A. 2020 Supp. 60-460 and 60-465 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Hilderbrand.

The bill passed.

**SB 124**, AN ACT concerning STAR bonds; prohibiting public officials from benefiting from STAR bond projects; relating to the financing of STAR bond projects and rural redevelopment projects; eligible areas; major business facility; real estate transfers; plan for tracking the number of visitors; feasibility study requirements; capital investment and annual sales requirements; STAR bond districts; contiguity; project costs; sunset date; amending K.S.A. 2020 Supp. 12-17,162, 12-17,166, 12-17,169, 12-17,171 and 12-17,179 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 24; Nays 11; Present and Passing 4; Absent or Not Voting 0.

Yeas: Billinger, Bowers, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Suellentrop, Sykes, Ware, Wilborn.

Nays: Baumgardner, Claey's, Erickson, Gossage, Hilderbrand, Peck, Pyle, Steffen, Straub, Thompson, Tyson.

Present and Passing: Alley, Francisco, Haley, Warren.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. President: I remain committed to standing up for taxpayers and against corporate handouts. Economic development programs, such as the STAR Bonds program, are problematic for many reasons. These kinds of targeted subsidy programs have a corrupting effect on democratic institutions, incentivizing unproductive behaviors by politicians and businesses and eroding public faith that the system is fair. However well-intentioned some government assistance may be, the fact remains that the practice of states picking winners and losers benefits a favored few and leaves everyone else to pay the price. Too often, the winners are special interests who lobby for tax breaks while the losers are everyday citizens and small businesses who are forced to pick up the tab.—MARK STEFFEN

Senators Peck and Straub request the record to show they concur with the "Explanation of Vote" offered by Senator Steffen on **SB 124**.

**SB 127**, AN ACT concerning drivers' licenses; relating to online renewals of commercial driver's licenses and licenses for individuals up to 65 years of age; providing for the renewal of licenses to be delivered electronically; eligibility for restricted driving privileges; renewal of expired licenses and identification cards; amending K.S.A. 2020 Supp. 8-240, 8-247, 8-1325 and 8-2110 and repealing the existing sections; also repealing K.S.A. 2020 Supp. 8-2110b, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**SB 131**, AN ACT concerning funeral processions; relating to the regulation thereof; permitting funeral escorts to direct funeral procession traffic through intersections and traffic control devices, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

#### EXPLANATION OF VOTE

Mr. President: **SB 131**, is a simple bill, yet it finally recognizes the long-held tradition of funeral processions to grieve the dead in Kansas statute. It also is a step in protecting those selfless riders in the VFW, Patriot Guard, Buffalo Soldiers Club and other such organizations who help ease the burden on families as they grieve our fallen soldiers. I vote "YES".—JEFF PITTMAN

**SB 167**, AN ACT concerning motor vehicles; relating to authorized emergency vehicles; permitting certain public utility motor vehicles and telecommunications vehicles to be authorized emergency vehicles without a designation by county commissioners; amending K.S.A. 2020 Supp. 8-1404 and 8-2010 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**SB 170**, AN ACT concerning public health; relating to the department of health and environment, division of public health; powers, duties and functions of the advisory committee on trauma and the statewide trauma system regional council; continuing in existence the authority to conduct closed session meetings and keep records privileged; amending K.S.A. 75-5664 and 75-5665 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

**SB 178**, AN ACT concerning financial institutions; relating to the state banking code; trust companies; providing for charter conversions; amending K.S.A. 2020 Supp. 9-803, 9-808, 9-809 and 9-1717 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**SB 235**, AN ACT concerning education; relating to student attendance; enacting the back to school act; requiring school districts to provide for a full-time, in person attendance option, was considered on final action.

On roll call, the vote was: Yeas 26; Nays 12; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Present and Passing: Billinger.

The bill passed.

#### EXPLANATION OF VOTE

Mr. President, the mere introduction of the Back-to-School Act has resulted in a wave of emails from Kansans. Some are exasperated with the academic and mental health consequences resulting of a year of remote learning. Some are frustrated with the lack of progress from their local school board. One email was from a family physician. One was from a child psychologist. Many, of course, were from parents who have seen their children languish for a year. One was even from a student, Ian, who wrote on behalf of

himself and his 11-year-old brother, asking us to provide them a full-time in-person learning option. ALL are relieved we are listening to them by passing this bill. The country is opening up. Restrictions are being eased. Mandates are being lifted. People are getting back to living. It's time to send this powerful message that we stand with Ian and his brother – and thousands just like them – so they can get back to learning. I vote "YES" on **SB 235**.—RENEE ERICKSON

Senators Gossage, Masterson, Suellentrop and Warren request the record to show they concur with the "Explanation of Vote" offered by Senator Erickson on **SB 235**.

Mr. President: I am happy that we have a vaccine. I am confident that due to the circumstance of COVID-19 our locally elected school boards have been making the best decisions for students and staff, sometimes at their own peril. I am disappointed that this legislature, who voted in June of 2020 that the decisions should be made at the local level, now passed politically motivated legislation saying "One size fits all". The 2020-21 school year has been one of change and stress. I thank our school communities for making the tough decisions. For that reason I vote "NO" on **SB 235**.—PAT PETTEY

Mr. President: In an October 2020 opinion, Attorney General Derek Schmidt determined that Kansas school districts could opt out of a public health mandate, saying that "Local public schools under the general supervision of the state board of education shall be maintained, developed and operated by locally elected boards," and that "each local school board has preexisting home rule authority." In addition to being essentially moot and unenforceable, this bill is another mandate which overrides local control by our duly elected state board of education and local school board members. It is also yet another example of dramatic overreach by this body and extremist leadership that doesn't like the decisions made by officials chosen and trusted by our communities. Everyone wants things to go back to normal. Everyone wants this pandemic to end. We cannot legislate this virus away; bills like this suggest otherwise, which is dangerous and dishonest to the people of Kansas. I vote "NO".—DINAH SYKES

## COMMITTEE OF THE WHOLE

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

**SB 185** be amended by the adoption of the committee amendments, be amended by motion of Senator Baumgardner: on page 9, in line 23, by striking all after the second "The"; in line 24, by striking all before "shall" and inserting "executive director"; also in line 24, after the second "secretary" by inserting "for administrative purposes only", and the bill be passed as amended.

The committee report on **SB 238** recommending **Sub SB 238** be adopted, be amended by motion of Senator Hilderbrand: on page 2, in line 8, by striking "July" and inserting "January", and the substitute bill be passed as amended.

A motion by Senator Sykes to amend **Sub SB 238** failed and the following amendment was rejected: on page 1, following line 16, by inserting:

"New Section 1. (a) Sections 1 through 13 and 16 through 19, and amendments thereto, shall be known and may be cited as the Kansas innovative solutions for affordable healthcare act.

(b) The legislature expressly consents to expand eligibility for receipt of benefits under the Kansas program of medical assistance, as required by K.S.A. 39-709(e)(2), and amendments thereto, by the passage and enactment of the act, subject to all requirements and limitations established in the act.

(c) The secretary of health and environment shall adopt rules and regulations as necessary to implement and administer the act.

(d) As used in sections 1 through 13 and 16 through 19, and amendments thereto:

(1) "138% of the federal poverty level," or words of like effect, includes a 5% income disregard permitted under the federal patient protection and affordable care act.

(2) "Act" means the Kansas innovative solutions for affordable healthcare act.

New Sec. 2. (a) The secretary of health and environment shall submit to the United States centers for medicare and medicaid services any state plan amendment, waiver request or other approval request necessary to implement the act. At least 10 calendar days prior to submission of any such approval request to the United States centers for medicare and medicaid services, the secretary of health and environment shall submit such approval request application to the state finance council.

(b) For purposes of eligibility determinations under the Kansas program of medical assistance on and after January 1, 2022, medical assistance shall be granted to any adult under 65 years of age who is not pregnant and whose income meets the limitation established in subsection (c), as permitted under the provisions of 42 U.S.C. § 1396a, as it exists on the effective date of the act, and subject to a 90% federal medical assistance percentage and all requirements and limitations established in the act.

(c) The secretary of health and environment shall submit to the United States centers for medicare and medicaid services any approval request necessary to provide medical assistance eligibility to individuals described in subsection (b) whose modified adjusted gross income does not exceed 138% of the federal poverty level.

New Sec. 3 (a) The secretary of health and environment shall refer each non-disabled adult applying for or receiving coverage under the act who is unemployed or working less than 20 hours per week to the Kansasworks program administered by the department of commerce. The secretary of commerce shall coordinate with the secretary of health and environment to certify to the secretary of health and environment each covered individual's compliance with this section. The secretary of commerce shall maintain a unique identifier for Kansasworks participants who are covered individuals under the act to track employment outcomes and progress toward employment.

(b) The secretary of health and environment shall evaluate each new applicant for coverage under the act for education status, employment status and any factors impacting the applicant's employment status, if less than full-time employment, and shall require each applicant to acknowledge the referral required under subsection (a). Such evaluation shall be a prerequisite for coverage under the act.

(c) A full-time student enrolled in a postsecondary educational institution or technical college, as defined by K.S.A. 74-3201b, and amendments thereto, shall be exempt from the referral required under subsection (a) for each year the student is enrolled in such educational setting.

(d) The secretary of health and environment, in coordination with the secretary of commerce, shall report annually to the legislature on or before the first day of each regular session of the legislature regarding the employment outcomes of covered individuals under the act.

New Sec. 4. (a) (1) Except to the extent prohibited by 42 U.S.C. § 1396o-1(a)(2) and (b)(3), as such provisions exist on the effective date of this act, the department of health and environment shall charge to each covered individual described in section 49(b), and amendments thereto, a monthly fee not to exceed \$25 per individual, but not to exceed a maximum of \$100 per month per family household, as a condition of participation in the program. The department may grant a hardship exemption from payment of the monthly fee, as determined by the secretary of health and environment.

(2) The department of health and environment shall remit all moneys collected or received for monthly fees charged under this subsection, except for the federal share of such fees required to be remitted to the United States centers for medicare and medicaid services, to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount remitted into the state treasury to the credit of the state general fund.

(b) The department of health and environment shall utilize the debt collection procedures authorized by K.S.A. 75-6201 et seq., and amendments thereto, for a covered individual under the act who is delinquent by 60 days or more in making a monthly fee payment.

(c) The secretary of health and environment may require each managed care organization providing services under the act to collect the monthly fee charged under subsection (a) in lieu of the department.

(d) In January of each year, the secretary of health and environment shall submit to the house of representatives standing committee on health and human services and the senate standing committee on public health and welfare, or any successor committees, an accounts receivable report for monthly fees collected under this section during the preceding calendar year.

New Sec. 5. (a) The secretary of health and environment may establish a health insurance coverage premium assistance program for individuals who meet the following requirements:

(1) The individual has an annual income that is 100% or greater than, but does not exceed 138% of, the federal poverty level, based on the modified adjusted gross income provisions set forth in section 2001(a)(1) of the federal patient protection and affordable care act; and

(2) the individual is eligible for health insurance coverage through an employer but cannot afford the health insurance coverage premiums, as determined by the secretary of health and environment.

(b) A program established under this section shall:

(1) Contain eligibility requirements that are the same as in sections 49 and 50, and amendments thereto; and

(2) provide that an individual's payment for a health insurance coverage premium may not exceed 2% of the individual's modified adjusted gross income, not to exceed 2% of the household's modified adjusted gross income in the aggregate with any premium charged to any other household member participating in the premium assistance program.

New Sec. 6. (a) Except to the extent prohibited by 42 U.S.C. § 1396u-2(a)(2), as it exists on the effective date of this act, the secretary of health and environment shall administer medical assistance benefits using a managed care delivery system using organizations subject to assessment of the privilege fee under K.S.A. 40-3213, and

amendments thereto. If the United States centers for medicare and medicaid services determines that the assessment of a privilege fee provided in K.S.A. 40-3213, and amendments thereto, is unlawful or otherwise invalid, then the secretary of health and environment shall administer state medicaid services using a managed care delivery system.

(b) In awarding a contract for an entity to administer state medicaid services using a managed care delivery system, the secretary of health and environment shall:

(1) Not provide favorable or unfavorable treatment in awarding a contract based on an entity's for-profit or not-for-profit tax status;

(2) give preference in awarding a contract to an entity that provides health insurance coverage plans on the health benefit exchange in Kansas established under the federal patient protection and affordable care act; and

(3) require that any entity administering state medicaid services provide tiered benefit plans with enhanced benefits for covered individuals who demonstrate healthy behaviors, as determined by the secretary of health and environment, to be implemented on or before July 1, 2024.

New Sec. 7. If the federal medical assistance percentage for coverage of medical assistance participants described in section 1902(a)(10)(A)(i)(VIII) of the federal social security act, 42 U.S.C. § 1396a, as it exists on the effective date of this section, becomes lower than 90%, then the secretary of health and environment shall terminate coverage under the act over a 12-month period, beginning on the first day that the federal medical assistance percentage becomes lower than 90%. No individual shall be newly enrolled for coverage under the act after such date.

New Sec. 8. (a) Section 7, and amendments thereto, shall be nonseverable from the remainder of the act. If the provisions of section 7, and amendments thereto, are not approved by the United States centers for medicare and medicaid services, then the act shall be null and void and shall have no force and effect.

(b) A denial of federal approval or federal financial participation that applies to any provision of the act not enumerated in subsection (a) shall not prohibit the secretary of health and environment from implementing any other provision of the act.

New Sec. 9. (a) All moneys collected or received by the secretary of health and environment for privilege fees collected pursuant to K.S.A. 40-3213, and amendments thereto, connected to covered individuals under the act 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 medicaid expansion privilege fee fund.

(b) There is hereby created in the state treasury the medicaid expansion privilege fee fund as a reappropriating fund. Moneys in the fund shall be expended for the purpose of medicaid medical assistance payments for covered individuals under the act. All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or the secretary's designee.

(c) The medicaid expansion privilege fee fund shall be used for the purposes set forth in the act and for no other governmental purposes. It is the intent of the legislature that the fund and the moneys deposited into the fund shall remain intact and inviolate for the purposes set forth in the act, and moneys in the fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(d) On or before the 10<sup>th</sup> day of each month, the director of accounts and reports shall transfer from the state general fund to the medicaid expansion privilege fee fund interest earnings based on:

(1) The average daily balance of moneys in the fund for the preceding month; and  
(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(e) On or before January 9, 2024, and on or before the first day of the regular session of the legislature each year thereafter, the secretary of health and environment shall prepare and deliver a report to the legislature that summarizes all expenditures from the medicaid expansion privilege fee fund, fund revenues and recommendations regarding the adequacy of the fund to support necessary program expenditures.

New Sec. 10. (a) On or before January 9, 2024, and on or before the first day of the regular session of the legislature each year thereafter, the secretary of health and environment shall prepare and deliver a report to the legislature that summarizes the cost savings achieved by the state from the movement of covered individuals from the KanCare program to coverage under the act, including, but not limited to, the MediKan program, the medically needy spend-down program and the breast and cervical cancer program.

(b) State cost savings shall be determined by calculating the cost of providing services to covered individuals in the KanCare program less the cost of services provided to covered individuals under the act.

New Sec. 11. (a) The secretary of corrections shall coordinate with county sheriffs who request assistance to assist in facilitating medicaid coverage for any state or county inmate incarcerated in a Kansas prison or jail during any time period that the inmate is eligible for coverage.

(b) On or before January 9, 2024, and on or before the first day of the regular session of the legislature each year thereafter, the secretary of corrections shall prepare and deliver a report to the legislature that identifies cost savings to the state from the use of the act to provide medicaid reimbursement for inmate inpatient hospitalization.

New Sec. 12. On or before February 15 of each year, the secretary of health and environment shall present a report to the house of representatives standing committee on appropriations and the senate standing committee on ways and means, or any successor committees, that summarizes the costs of the act and the cost savings and additional revenues generated during the preceding fiscal year.

New Sec. 13. The legislative post audit committee shall direct the legislative division of post audit to conduct an audit of the direct economic impact of the implementation of the act on the state general fund during the first two fiscal years following implementation of the act. Such audit shall be submitted to the legislature on or before the first day of the regular legislative session immediately following the end of the audited time period.

New Sec. 14. (a) The department of health and environment shall remit all moneys received by the department of health and environment from drug rebates associated with medical assistance enrollees 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 into the state treasury to the credit of the state general fund.

(b) The department of health and environment shall certify the amount of moneys

received by such agency from drug rebates associated with medical assistance enrollees on a monthly basis and shall transmit each such certification to the director of legislative research and the director of the budget.

(c) Upon receipt of each such certification, the director of legislative research and the director of the budget shall include such certified amount on any monthly report prepared by the legislative research department or the division of the budget that details state general fund receipts as a separate item entitled "drug rebates" under a category of other revenue sources.

(d) This section shall take effect and be in force on and after July 1, 2022.

New Sec. 15. (a) There is hereby established in the state treasury the federal medical assistance percentage stabilization fund to be administered by the secretary of health and environment. All expenditures from the federal medical assistance percentage stabilization fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or the secretary's designee.

(b) Notwithstanding the provisions of any other statute, the attorney general is hereby authorized and directed to remit to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, any moneys that are recovered by the attorney general on behalf of the state in the civil action *Texas v. Rettig*, No. 18-10545 (5<sup>th</sup> Cir.), or any other civil action to which the state of Kansas is a party and in which the attorney general recovers moneys on behalf of the state due to a determination that imposition of the health insurance provider fee under the federal patient protection and affordable care act, public law 111-152, is invalid. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount into the state treasury to the credit of the federal medical assistance percentage stabilization fund.

(c) Beginning in fiscal year 2022, all transfers from the federal medical assistance percentage stabilization fund shall be used during any fiscal year to fund any additional title XIX costs incurred due to any decrease to the federal medical assistance percentage for the state of Kansas.

(d) Each fiscal year, on December 1 and June 30, beginning in fiscal year 2022, the secretary shall determine and certify the estimated amount of any reduced or increased title XIX costs incurred due to any increase or decrease to the federal medical assistance percentage for the state of Kansas in the current fiscal year. The secretary shall certify each such amount to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research. Upon receipt of any such certification indicating reduced costs, the director of accounts and reports shall transfer such certified amount of moneys from the state general fund to the federal medical assistance percentage stabilization fund. Upon receipt of any such certification indicating increased costs, the director of accounts and reports shall transfer such certified amount of moneys from the federal medical assistance percentage stabilization fund to the state general fund.

(e) The federal medical assistance percentage stabilization fund and any other moneys transferred pursuant to this section shall be used for the purposes set forth in this section and for no other governmental purposes. It is the intent of the legislature that the funds and the moneys deposited into this fund shall remain intact and inviolate for the purposes set forth in this section.

(f) As used in this section, "moneys that are recovered" includes damages,

penalties, attorney fees, costs, disbursements, refunds, rebates or any other monetary payment made or paid by any defendant by reason of any judgment, consent decree or settlement, after payment of any costs or fees allocated by court order.

(g) On or before September 1 of each year, the secretary of health and environment shall submit an annual report to the legislature and the legislative budget committee. The report shall include details of actual expenditures related to adjustments of the federal medical assistance percentage for the state of Kansas and all certified amounts transferred in and out of the federal medical assistance percentage stabilization fund.

New Sec. 16. (a) As used in this section:

(1) "Contractor" means a professional firm with experience in conducting rural hospital transformation projects and experience working in the state of Kansas.

(2) "Department" means the department of health and environment.

(3) "Implementation support" means support in implementing a transformation plan by one or more contractors in close collaboration with a target hospital.

(4) "Rural hospital" means a hospital located outside of a major urban or suburban area, but may be located within a metropolitan statistical area, as defined by the department.

(5) "Rural hospital transformation program" means a program administered by the department to support rural hospitals in assessing viability and identifying new delivery models, strategic partnerships and implementing financial reform, delivery system reform or operational changes that enable continued provision of healthcare services in and improving the health of rural communities.

(6) "Rural primary health center pilot initiative" means a program to support rural communities by preserving access to healthcare services and improving the health of the population through statutory and regulatory changes.

(7) "Target hospital" means a rural hospital determined to be eligible by the department for the rural hospital transformation program.

(8) "Transformation plan" means a strategic plan developed by one or more contractors in close collaboration with a target hospital and local community stakeholders to provide recommendations and actionable steps to preserve healthcare services in the target hospital's community.

(b) The department shall establish an advisory committee comprised of one or more representatives from each of the following: The department of health and environment; the department of labor; the state board of regents; the Kansas hospital association; the Kansas medical society; the community care network of Kansas; the association of community mental health centers of Kansas; the state board of healing arts; the Kansas farm bureau; the emergency medical services board; and other public and private stakeholders as deemed appropriate by the department.

(c) The department, in coordination with the advisory committee, shall establish and manage the rural hospital transformation program and shall identify one or more contractors to provide consultation to each approved target hospital for the creation of a transformation plan, including:

(1) Assessing community health needs by analyzing patient access and utilization patterns and social determinants of health, including transportation, housing and food security, that impact health outcomes;

(2) understanding the landscape of rural healthcare, including hospital-based and outpatient services;

(3) developing hospital-specific strategic and operational transformation plans tailored to the target hospital and community to improve viability;

(4) providing support for the target hospital to implement the transformation plan; and

(5) engaging with local healthcare and other community leaders and residents to develop a holistic understanding of promising practices, opportunities and barriers to care.

(d) A target hospital may submit an application to the department for review and approval to receive consultation from identified contractors for the development of a transformation plan. Such application shall be made on a form and in a manner determined by the department, in coordination with the advisory committee.

(e) Each transformation plan shall be developed through coordination between the contractor, target hospital, target hospital community stakeholders and other appropriate stakeholders. The transformation plan shall include a timeline for implementation and shall be submitted to the department. The department shall receive periodic progress updates on the implementation of the transformation plan, as determined by the department, and monitor the progress of target hospitals.

(f) The department, in coordination with the advisory committee, shall identify state statutes and rules and regulations that may need to be amended or otherwise altered to permit eligible hospitals to participate in the rural primary health center pilot initiative.

(g) The department shall coordinate with the Kansas hospital association to submit an application to the United States centers for medicare and medicaid services to permit the establishment of the rural primary health center pilot initiative.

(h) The department shall provide periodic updates on the rural health transformation program and the rural primary health center pilot initiative to the house of representatives standing committee on health and human services and the senate standing committee on public health and welfare, or any successor committees, upon the request of each such committee.

New Sec. 17. (a) The insurance department shall analyze and prepare a report detailing any cost shifting from hospitals to commercial health insurance plans as a result of implementation of the Kansas innovative solutions for affordable healthcare act.

(b) The insurance department shall compile such report using data from the Kansas health insurance informations system, data calls and other data sources available to the department. Using such data, the insurance department shall determine a base rate paid to hospitals in Kansas for healthcare services from commercial insurance companies as a percentage of the current published medicare allowable rates established by the United States centers for medicare and medicaid services, categorized by the seven geographic rating areas in Kansas established by the United States centers for medicare and medicaid services.

(c) Such report shall include such data for the current calendar year and historical data for the 10 years prior to such year, except that such historical data shall not include data prior to calendar year 2018.

(d) Such report shall be submitted to the house of representatives standing committee on health and human services and the senate standing committee on public health and welfare, or any successor committees, on or before January 9, 2023, and on

or before the first day of the regular session of the legislature each year thereafter.

New Sec. 18. (a) The insurance department shall study and prepare a report on any risks and benefits associated with converting the health benefit exchange operated in Kansas under the federal patient protection and affordable care act from a federally facilitated health benefit exchange to a state-based health benefit exchange. To assist with the completion of such study and report, the insurance department shall identify and procure a contractor with experience in developing a state-based health benefit exchange under the federal patient protection and affordable care act.

(b) Such study and report shall include, but not be limited to, any financial impacts to commercial health insurance premium rates from such conversion and any additional flexibility allowed to the state in plan design, benefits and income levels on a state-based health benefit exchange.

(c) Such study and report shall be submitted to the house of representatives standing committee on health and human services and the senate standing committee on public health and welfare on or before January 11, 2022.

New Sec. 19. (a) The secretary of health and environment, in coordination with the Kansas hospital association, Kansas medical society, community care network of Kansas and other private and public stakeholders as deemed appropriate by the secretary, shall establish a task force to develop a plan to measure and report uncompensated care provided by Kansas healthcare providers and hospitals when reimbursement for care provided to a patient is not collected.

(b) The task force shall define "uncompensated care" to include, but not be limited to:

(1) "Charity care," defined as expenses for care for which the hospital never expects to be reimbursed;

(2) "bad debt," defined as expenses incurred when a hospital cannot obtain reimbursement for services because the patient is unable or unwilling to pay for such services; and

(3) "uncompensated care," defined as the sum of bad debt and charity care expenses.

(c) The task force shall identify and research data elements that are already available, in order to minimize administrative burdens on healthcare providers and hospitals.

(d) Such report shall include such data for the current calendar year and historical data for the 10 years prior to such year, except that such historical data shall not include data prior to calendar year 2018.

(e) Such report shall be submitted to the house of representatives standing committee on health and human services and the senate standing committee on public health and welfare, or any successor committees, on or before January 9, 2023, and on or before the first day of the regular session of the legislature each year thereafter.

New Sec. 20.

#### INSURANCE DEPARTMENT

(a) Notwithstanding the provisions of K.S.A. 39-709(e)(2) or 40-112, and amendments thereto, or any other statute to the contrary, during the fiscal years ending June 30, 2021, and June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the insurance department service regulation fund for fiscal years 2021 and 2022 by section

36(a) of chapter 5 of the 2020 Session Laws of Kansas, this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys to:

(1) Study any risks and benefits associated with converting the health benefit exchange operated in Kansas under the federal patient protection and affordable care act from a federally facilitated health benefit exchange to a state-based health benefit exchange;

(2) procure the services of a contractor with experience in developing a state-based health benefit exchange in order to facilitate such study; and

(3) submit a report based on such study to the legislature on or before January 10, 2022.

New Sec. 21.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF HEALTH CARE FINANCE

(a) During the fiscal years ending June 30, 2021, and June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2021 and 2022 by section 70 of chapter 5 of the 2020 Session Laws of Kansas, this or any other appropriation act of the 2020 regular session of the legislature, expenditures shall be made by the above agency from such moneys to submit to the United States centers for medicare and medicaid services, prior to January 1, 2022, a waiver request to allow for medicaid reimbursement for inpatient psychiatric acute care.

(b) On the effective date of this act, the provisions of section 70(k) of chapter 5 of the 2020 Session Laws of Kansas shall be null and void and shall have no force and effect.";

On page 3, following line 14, by inserting:

"Sec. 24. K.S.A. 2020 Supp. 39-7,160 is hereby amended to read as follows: 39-7,160. (a) There is hereby established the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight. The joint committee shall review the number of individuals who are transferred from state or private institutions and long-term care facilities to the home and community based services and the associated cost savings and other outcomes of the money-follows-the-person program. The joint committee shall review the funding targets recommended by the interim report submitted for the 2007 legislature by the joint committee on legislative budget and use them as guidelines for future funding planning and policy making. The joint committee shall have oversight of savings resulting from the transfer of individuals from state or private institutions to home and community based services. As used in K.S.A. 2020 Supp. 39-7,159 through 39-7,162, and amendments thereto, "savings" means the difference between the average cost of providing services for individuals in an institutional setting and the cost of providing services in a home and community based setting. The joint committee shall study and determine the effectiveness of the program and cost-analysis of the state institutions or long-term care facilities based on the success of the transfer of individuals to home and community based services. The joint committee shall consider the issues of whether sufficient funding is provided for enhancement of wages and benefits of direct individual care workers and their staff training and whether adequate progress is being made to transfer individuals from the

institutions and to move them from the waiver waiting lists to receive home and community based services. The joint committee shall review and ensure that any proceeds resulting from the successful transfer be applied to the system of provision of services for long-term care and home and community based services. The joint committee shall monitor and study the implementation and operations of the home and community based service programs, the children's health insurance program, the program for the all-inclusive care of the elderly and the state medicaid programs including, but not limited to, access to and quality of services provided and any financial information and budgetary issues. Any state agency shall provide data and information on KanCare programs, including, but not limited to, pay for performance measures, quality measures and enrollment and disenrollment in specific plans, KanCare provider network data and appeals and grievances made to the KanCare ombudsman, to the joint committee, as requested.

(b) The joint committee shall consist of 11 members of the legislature appointed as follows:

(1) Two members of the house committee on health and human services appointed by the speaker of the house of representatives;

(2) one member of the house committee on health and human services appointed by the minority leader of the house of representatives;

(3) two members of the senate committee on public health and welfare appointed by the president of the senate;

(4) one member of the senate committee on public health and welfare appointed by the minority leader of the senate;

(5) two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the house committee on appropriations;

(6) one member of the house of representatives appointed by the minority leader of the house of representatives; and

(7) two members of the senate appointed by the president of the senate, one of whom shall be a member of the senate committee on ways and means.

(c) Members shall be appointed for terms coinciding with the legislative terms for which such members are elected or appointed. All members appointed to fill vacancies in the membership of the joint committee and all members appointed to succeed members appointed to membership on the joint committee shall be appointed in the manner provided for the original appointment of the member succeeded.

(d) ~~(1)~~ The members originally appointed as members of the joint committee shall meet upon the call of the member appointed by the speaker of the house of representatives, who shall be the first chairperson, within 30 days of the effective date of this act. The vice-chairperson of the joint committee shall be appointed by the president of the senate. Chairperson and vice-chairperson shall alternate annually between the members appointed by the speaker of the house of representatives and the president of the senate. The ranking minority member shall be from the same chamber as the chairperson. ~~On and after the effective date of this act~~ Except as provided in paragraph (2), the joint committee shall meet at least once in January and once in April when the legislature is in regular session and at least once for two consecutive days during each of the third and fourth calendar quarters, on the call of the chairperson, but not to exceed six meetings in a calendar year, except additional meetings may be held

on call of the chairperson when urgent circumstances exist which require such meetings. Six members of the joint committee shall constitute a quorum.

(2) During calendar year 2022 and calendar year 2023, the joint committee shall meet for one additional day per meeting in order to monitor the implementation of the Kansas innovative solutions for affordable healthcare act and to review the following topics relating to such implementation:

(A) Payment integrity and eligibility audits;

(B) baseline and trend data detailing the amounts that hospitals are paid from commercial insurance plans as a percentage of medicare allowable rates established by the United States centers for medicare and medicaid services;

(C) outcomes related to section 3, and amendments thereto;

(D) health outcomes for individuals covered under the act; budget projections and actual expenditures related to implementation of the act; and

(E) expenses incurred by hospitals arising from charity care and services provided to patients who are unwilling or unable to pay for such services.

(e) (1) At the beginning of each regular session of the legislature, the committee shall submit to the president of the senate, the speaker of the house of representatives, the house committee on health and human services and the senate committee on public health and welfare a written report on numbers of individuals transferred from the state or private institutions to the home and community based services including the average daily census in the state institutions and long-term care facilities, savings resulting from the transfer certified by the secretary for aging and disability services in a quarterly report filed in accordance with K.S.A. 2020 Supp. 39-7,162, and amendments thereto, and the current balance in the home and community based services savings fund of the Kansas department for aging and disability services.

(2) Such report submitted under this subsection shall also include, but not be limited to, the following information on the KanCare program:

(A) Quality of care and health outcomes of individuals receiving state medicaid services under the KanCare program, as compared to the provision of state medicaid services prior to January 1, 2013;

(B) integration and coordination of health care procedures for individuals receiving state medicaid services under the KanCare program;

(C) availability of information to the public about the provision of state medicaid services under the KanCare program, including, but not limited to, accessibility to health services, expenditures for health services, extent of consumer satisfaction with health services provided and grievance procedures, including quantitative case data and summaries of case resolution by the KanCare ombudsman;

(D) provisions for community outreach and efforts to promote the public understanding of the KanCare program;

(E) comparison of the actual medicaid costs expended in providing state medicaid services under the KanCare program after January 1, 2013, to the actual costs expended under the provision of state medicaid services prior to January 1, 2013, including the manner in which such cost expenditures are calculated;

(F) comparison of the estimated costs expended in a managed care system of providing state medicaid services under the KanCare program after January 1, 2013, to the actual costs expended under the KanCare program of providing state medicaid services after January 1, 2013;

(G) comparison of caseload information for individuals receiving state medicaid services prior to January 1, 2013, to the caseload information for individuals receiving state medicaid services under the KanCare program after January 1, 2013; and

(H) all written testimony provided to the joint committee regarding the impact of the provision of state medicaid services under the KanCare program upon residents of adult care homes.

(3) The joint committee shall consider the external quality review reports and quality assessment and performance improvement program plans of each managed care organization providing state medicaid services under the KanCare program in the development of the report submitted under this subsection.

(4) The report submitted under this subsection shall be published on the official website of the legislative research department.

(f) Members of the committee shall have access to any medical assistance report and caseload data generated by the Kansas department of health and environment division of health care finance. Members of the committee shall have access to any report submitted by the Kansas department of health and environment division of health care finance to the centers for medicare and medicaid services of the United States department of health and human services.

(g) Members of the committee shall be paid compensation, travel expenses and subsistence expenses or allowance as provided in K.S.A. 75-3212, and amendments thereto, for attendance at any meeting of the joint committee or any subcommittee meeting authorized by the committee.

(h) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee.

(i) The joint committee may make recommendations and introduce legislation as it deems necessary in performing its functions.

Sec. 25. K.S.A. 2020 Supp. 40-3213 is hereby amended to read as follows: 40-3213. (a) Every health maintenance organization and medicare provider organization subject to this act shall pay to the commissioner the following fees:

- (1) For filing an application for a certificate of authority, \$150;
- (2) for filing each annual report, \$50; ~~and~~
- (3) for filing an amendment to the certificate of authority, \$10.

(b) Every health maintenance organization subject to this act shall pay annually to the commissioner at the time such organization files its annual report, a privilege fee in an amount equal to ~~the following percentages~~ 5.77% of the total of all premiums, subscription charges or any other term that may be used to describe the charges made by such organization to enrollees: ~~3.31% during the reporting period beginning January 1, 2015, and ending December 31, 2017; and 5.77% on and after January 1, 2018.~~ In such computations all such organizations shall be entitled to deduct therefrom any premiums or subscription charges returned on account of cancellations and dividends returned to enrollees. If the commissioner shall determine at any time that the application of the privilege fee, or a change in the rate of the privilege fee, would cause a denial of, reduction in or elimination of federal financial assistance to the state or to any health maintenance organization subject to this act, the commissioner is hereby authorized to terminate the operation of such privilege fee or the change in such privilege fee.

(c) For the purpose of insuring the collection of the privilege fee provided for by subsection (b), every health maintenance organization subject to this act and required by subsection (b) to pay such privilege fee shall at the time it files its annual report, as required by K.S.A. 40-3220, and amendments thereto, make a return, generated by or at the direction of its chief officer or principal managing director, under penalty of K.S.A. 2020 Supp. 21-5824, and amendments thereto, to the commissioner, stating the amount of all premiums, assessments and charges received by the health maintenance organization, whether in cash or notes, during the year ending on the last day of the preceding calendar year. Upon the receipt of such returns the commissioner of insurance shall verify such returns and reconcile the fees pursuant to subsection (f) upon such organization on the basis and at the rate provided in this section.

(d) Premiums or other charges received by an insurance company from the operation of a health maintenance organization subject to this act shall not be subject to any fee or tax imposed under the provisions of K.S.A. 40-252, and amendments thereto.

(e) Fees charged under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Except as provided in section 8, 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 medical assistance fee fund created by K.S.A. 2020 Supp. 40-3236, and amendments thereto.

(f) (1) ~~On and after January 1, 2018,~~ In addition to any other filing or return required by this section, each health maintenance organization shall submit a report to the commissioner on or before March 31 and September 30 of each year containing an estimate of the total amount of all premiums, subscription charges or any other term that may be used to describe the charges made by such organization to enrollees that the organization expects to collect during the current calendar year. Upon filing each March 31 report, the organization shall submit payment equal to  $\frac{1}{2}$  of the privilege fee that would be assessed by the commissioner for the current calendar year based upon the organization's reported estimate. Upon filing each September 30 report, the organization shall submit payment equal to the balance of the privilege fee that would be assessed by the commissioner for the current calendar year based upon the organization's reported estimates.

(2) Any amount of privilege fees actually owed by a health maintenance organization during any calendar year in excess of estimated privilege fees paid shall be assessed by the commissioner and shall be due and payable upon issuance of such assessment.

(3) Any amount of estimated privilege fees paid by a health maintenance organization during any calendar year in excess of privilege fees actually owed shall be reconciled when the commissioner assesses privilege fees in the ensuing calendar year. The commissioner shall credit such excess amount against future privilege fee assessments. Any such excess amount paid by a health maintenance organization that is no longer doing business in Kansas and that no longer has a duty to pay the privilege fee shall be refunded by the commissioner from funds appropriated by the legislature for such purpose.";

On page 34, in line 42, after "Supp." by inserting "39-7,160, 40-3213,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "expanding medical assistance eligibility; directing the department of health and environment to study certain medicaid expansion topics; adding meeting days to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight to monitor implementation; making and concerning appropriations for the fiscal years ending June 30, 2021, June 30, 2022, and June 30, 2023;"; in line 13, after "Supp." by inserting "39-7,160, 40-3213,"

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

On roll call, the vote was: Yeas 12; Nays 23; Present and Passing 0; Absent or Not Voting 4.

Yeas: Corson, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Nays: Alley, Baumgardner, Bowers, Claeys, Dietrich, Erickson, Fagg, Hilderbrand, Kerschen, Kloos, Masterson, McGinn, Olson, Peck, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Present and Passing: 0

Absent or Not Voting: Billinger, Gossage, Longbine, O'Shea.

#### EXPLANATION OF VOTE

Mr. Chairman: I vote "NO" on the amendment because I am concerned about the underlying bill that would have a significant impact on our mental health and behavior health clinics. I have in the past voted to move Medicaid expansion forward in hopes of having the debate on the floor. I would like to have it in the form of a bill that we can prepare for and totally vet the merits of the cost and the benefits of expansion. I continue to support that today. The likelihood of **Sub SB 238** moving forward with this amendment does not look promising. We have a mental health crisis today and I do not think we even know the impact of COVID 19 on our families and communities. We need **Sub SB 238** to provide high quality and timely behavioral health treatment across Kansas. It will provide crisis services that will suppress the need for our hospital emergency rooms and integrate better care between behavior health and primary health care facilities.—CAROLYN MCGINN

Senator Bowers requests the record to show she concurs with the "Explanation of Vote" offered by Senator McGinn on the Sykes amendment.

The Committee rose and reported progress (See Committee of the Whole afternoon session.)

#### MESSAGE FROM THE HOUSE

Announcing passage of **SB 88**, as amended by **House Substitute for SB 88**.

On motion of Senator Suellentrop, the Senate recessed until 2:30 p.m.

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**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Suellentrop, Hilderbrand, Kloos, Masterson and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1714

A RESOLUTION recognizing National Vending Day in Kansas for the contributions of the vending and convenience services industry.

WHEREAS, The vending and convenience services industry employs over 1,423 Kansas residents; and

WHEREAS, The vending and convenience services industry has expanded in recent decades to include a wide array of convenience services and refreshments and recently launched a national public health commitment; and

WHEREAS, The vending and convenience services industry uses cutting edge technology to deliver innovative options to consumers; and

WHEREAS, During the COVID-19 pandemic, the vending and convenience services industry has served as an essential industry, providing food and beverages to fuel first responders and the workforce of other critical industries; and

WHEREAS, Kansas is proud of the dozens of small business owners in the state who own vending companies; and

WHEREAS, The National Automatic Merchandising Association has designated March 4<sup>th</sup> as "National Vending Day": Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize National Vending Day in Kansas for the contributions of the vending and convenience services industry; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Suellentrop.

On emergency motion of Senator Suellentrop **SR 1714** was adopted by voice vote.

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2057, HB 2097, HB 2138, HB 2153, HB 2234, HB 2361, HB 2362.**

The House nonconcur in Senate amendments to **HB 2022**, requests a conference and has appointed Representatives Waymaster, Hoffman and Wolfe Moore as conferees on the part of the House.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2057, HB 2097, HB 2138, HB 2153, HB 2234, HB 2361, HB 2362** were thereupon introduced and read by title.

**ORIGINAL MOTION**

On motion of Senator Billinger, the Senate acceded to the request of the House for a conference on **HB 2022**.

The President appointed Senators Billinger, Claeys and Hawk as conferees on the part of the Senate.

**CHANGE OF CONFERENCE**

The President appointed Senators Warren, Wilborn and Corson to replace Senators Kerschen, Straub and Ware as members of the conference committee on **SB 40**.

**CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

Senator Longbine moved the Senate concur in House amendments to **H Sub SB 88**.

**H Sub SB 88**, AN ACT concerning cities; establishing the city utility low-interest loan program; allowing cities to apply to the state treasurer for loans from state unencumbered funds for extraordinary electric or natural gas costs incurred during the extreme winter weather event of February 2021; amending K.S.A. 75-4237 and repealing the existing section.

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Straub.

Absent or Not Voting: Haley.

The Senate concurred.

**COMMITTEE OF THE WHOLE**

The Senate returned to Committee of the Whole for Consideration of bills under the heading of General Orders with Senator Hilderbrand in the Chair.

On motion of Senators Hilderbrand and Petersen, the report for the morning and the following afternoon session was adopted.

**SB 71, SB 72, SB 119, SB 147** be passed.

**SB 98** be amended by the adoption of the committee amendments, and the bill be passed as amended.

Committee report on **SB 84** recommending **Sub SB 84** be adopted, be amended by motion of Senator Dietrich: on page 18, by striking all in line 5; in line 6, by striking all before the period and inserting "interscholastic sports event for kindergarten or any of the grades one through 12".

**Sub SB 84** be further amended by motion of Senator Francisco: on page 39, in line 38, before "The" by inserting "On or before January 1, 2023, "; also in line 37 after "such" by inserting "permanent", and **Sub SB 84** be passed as amended.

**SB 283** be amended by the adoption of the committee amendments, be further amended by motion of Senator Hilderbrand: on page 1, following line 10, by inserting:

"Section 1. K.S.A. 2020 Supp. 48-963, as amended by section 7 of 2021 Senate Bill No. 14, is hereby amended to read as follows: 48-963. (a) A physician may issue a prescription for or order the administration of medication, including a controlled substance, for a patient without conducting an in-person examination of such patient.

(b) A physician under quarantine, including self-imposed quarantine, may practice telemedicine.

(c) (1) A physician holding a license issued by the applicable licensing agency of another state may practice telemedicine to treat patients located in the state of Kansas, if such out-of-state physician:

~~(A) Advises the state board of healing arts of such practice in writing and in a manner determined by the state board of healing arts; and~~

~~(B) holds an unrestricted license to practice medicine and surgery in the other state and is not the subject of any investigation or disciplinary action by the applicable licensing agency holds a temporary emergency license granted pursuant to K.S.A. 2020 Supp. 48-965, and amendments thereto.~~

(2) The state board of healing arts may extend the provisions of this subsection to other healthcare professionals licensed and regulated by the board as deemed necessary by the board to address the impacts of COVID-19 and consistent with ensuring patient safety.

(d) A physician practicing telemedicine in accordance with this section shall conduct an appropriate assessment and evaluation of the patient's current condition and document the appropriate medical indication for any prescription issued.

(e) Nothing in this section shall supersede or otherwise affect the provisions of K.S.A. 65-4a10, and amendments thereto, or K.S.A. 2020 Supp. 40-2,215, and amendments thereto.

(f) As used in this section:

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

(2) "Telemedicine" means the delivery of healthcare services by a healthcare provider while the patient is at a different physical location.

(g) This section shall expire on March 31, ~~2021~~2022.

Sec. 2. K.S.A. 2020 Supp. 48-964 is hereby amended to read as follows: 48-964.

(a) (1) A hospital may admit patients in excess of such hospital's number of licensed beds or inconsistent with the licensed classification of such hospital's beds to the extent that such hospital determines is necessary to treat COVID-19 patients and to separate COVID-19 patients and non-COVID-19 patients.

(2) A hospital admitting patients in such manner shall notify the department of health and environment as soon as practicable but shall not be required to receive prior authorization to admit patients in such manner.

(b) (1) A hospital may utilize non-hospital space, including off-campus space, to perform COVID-19 testing, triage, quarantine or patient care to the extent that such hospital determines is necessary to treat COVID-19 patients and to separate COVID-19 patients and non-COVID-19 patients.

(2) The department of health and environment may impose reasonable safety requirements on such use of non-hospital space to maximize the availability of patient care.

(3) Non-hospital space used in such manner shall be deemed to meet the requirements of K.S.A. 65-431(d), and amendments thereto.

(4) A hospital utilizing non-hospital space in such manner shall notify the department of health and environment as soon as practicable but shall not be required to receive prior authorization to utilize non-hospital space in such manner.

(c) A medical care facility may permit healthcare providers authorized to provide

healthcare services in the state of Kansas to provide healthcare services at such medical care facility without becoming a member of the medical care facility's medical staff.

(d) As used in this section, "hospital" and "medical care facility" mean the same as defined in K.S.A. 65-425, and amendments thereto.

~~(e) This section shall expire 120 calendar days after the expiration or termination of the state of disaster emergency proclamation issued by the governor in response to the COVID-19 public health emergency, or any extension thereof on March 31, 2022.~~

Sec. 3. K.S.A. 2020 Supp. 48-965, as amended by section 8 of 2021 Senate Bill No. 14, is hereby amended to read as follows: 48-965. (a) Notwithstanding any statute to the contrary, the state board of healing arts may grant a temporary emergency license to practice any profession licensed, certified, registered or regulated by the board to an applicant with qualifications the board deems sufficient to protect public safety and welfare within the scope of professional practice authorized by the temporary emergency license for the purpose of preparing for, responding to or mitigating any effect of COVID-19.

(b) Notwithstanding any statute to the contrary, an applicant may practice in Kansas pursuant to a temporary emergency license upon submission of a non-resident healthcare provider certification form to the Kansas healthcare stabilization fund and without paying the surcharge required by K.S.A. 40-3404, and amendments thereto.

~~(c) This section shall expire on March 31, 2021~~2022.

Sec. 4. K.S.A. 2020 Supp. 60-5503 is hereby amended to read as follows: 60-5503. (a) Notwithstanding any other provision of law, except as provided in subsection (c), a healthcare provider is immune from civil liability for damages, administrative fines or penalties for acts, omissions, healthcare decisions or the rendering of or the failure to render healthcare services, including services that are altered, delayed or withheld, as a direct response to any state of disaster emergency declared pursuant to K.S.A. 48-924, and amendments thereto, related to the COVID-19 public health emergency.

(b) The provisions of this section shall apply to any claims for damages or liability that arise out of or relate to acts, omissions or healthcare decisions occurring during any state of disaster emergency declared pursuant to K.S.A. 48-924, and amendments thereto, related to the COVID-19 public health emergency.

(c) (1) The provisions of this section shall not apply to civil liability when it is established that the act, omission or healthcare decision constituted gross negligence or willful, wanton or reckless conduct.

(2) The provisions of this section shall not apply to healthcare services not related to COVID-19 that have not been altered, delayed or withheld as a direct response to the COVID-19 public health emergency.

(d) The provisions of this section shall expire on March 31, 2022.;

Also, on page 1, following line 29, by inserting:

"Sec. 6. K.S.A. 2020 Supp. 65-468 is hereby amended to read as follows: 65-468. As used in K.S.A. 65-468 through 65-474, and amendments thereto:

(a) "Healthcare provider" means any person licensed or otherwise authorized by law to provide health care services in this state or a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by law to form such corporation and who are health care providers as defined by this subsection, or an officer, employee or agent thereof, acting in the course and scope of employment or agency.

(b) "Member" means any hospital, emergency medical service, local health department, home health agency, adult care home, medical clinic, mental health center or clinic or nonemergency transportation system.

(c) "Mid-level practitioner" means a physician assistant or advanced practice registered nurse who has entered into a written protocol with a rural health network physician.

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

(e) "Rural health network" means an alliance of members, including at least one critical access hospital and at least one other hospital, that has developed a comprehensive plan submitted to and approved by the secretary of health and environment regarding: Patient referral and transfer; the provision of emergency and nonemergency transportation among members; the development of a network-wide emergency services plan; and the development of a plan for sharing patient information and services between hospital members concerning medical staff credentialing, risk management, quality assurance and peer review.

(f) (1) "Critical access hospital" means a member of a rural health network that: Makes available 24-hour emergency care services; provides not more than 25 acute care inpatient beds or in the case of a facility with an approved swing-bed agreement a combined total of extended care and acute care beds that does not exceed 25 beds; provides acute inpatient care for a period that does not exceed, on an annual average basis, 96 hours per patient; and provides nursing services under the direction of a licensed professional nurse and continuous licensed professional nursing services for not less than 24 hours of every day when any bed is occupied or the facility is open to provide services for patients unless an exemption is granted by the licensing agency pursuant to rules and regulations. The critical access hospital may provide any services otherwise required to be provided by a full-time, on-site dietician, pharmacist, laboratory technician, medical technologist and radiological technologist on a part-time, off-site basis under written agreements or arrangements with one or more providers or suppliers recognized under medicare. The critical access hospital may provide inpatient services by a physician assistant, advanced practice registered nurse or a clinical nurse specialist subject to the oversight of a physician who need not be present in the facility. In addition to the facility's 25 acute beds or swing beds, or both, the critical access hospital may have a psychiatric unit or a rehabilitation unit, or both. Each unit shall not exceed 10 beds and neither unit shall count toward the 25-bed limit or be subject to the average 96-hour length of stay restriction.

(2) Notwithstanding the provisions of paragraph (1), prior to ~~June 30, 2024~~March 31, 2022, to the extent that a critical access hospital determines it is necessary to treat COVID-19 patients or to separate COVID-19 patients and non-COVID-19 patients, such critical access hospital shall not be limited to 25 beds or, in the case of a facility with an approved swing bed agreement, to a combined total of 25 extended care and acute care beds, and shall not be limited to providing acute inpatient care for a period of time that does not exceed, on an annual average basis, 96 hours per patient.

(g) "Hospital" means a hospital other than a critical access hospital that has entered into a written agreement with at least one critical access hospital to form a rural health network and to provide medical or administrative supporting services within the limit of the hospital's capabilities.";

Also on page 1, in line 30, after "Supp." by inserting "48-963, as amended by section

7 of 2021 Senate Bill No. 14, 48-964, 48-965, as amended by section 8 of 2021 Senate Bill No. 14, 60-5503,"; in line 31, by striking "is" and inserting "and 65-468 are";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after "the" by inserting "governmental response to the COVID-19 pandemic in Kansas; extending the expanded use of telemedicine in response to the COVID-19 public health emergency; extending the authority of the board of healing arts to grant certain temporary emergency licenses; imposing requirements related thereto and expiring such provisions; extending the suspension of certain requirements related to medical care facilities and expiring such provisions; modifying the"; in line 2, after "immunity" by inserting "from civil liability for certain healthcare providers and"; in line 6, after "Supp." by inserting "48-963, as amended by section 7 of 2021 Senate Bill No. 14, 48-964, 48-965, as amended by section 8 of 2021 Senate Bill No. 14, 60-5503,"; in line 8, before "and" by inserting "and 65-468"; also in line 8, by striking "section" and inserting "sections", and **SB 283** be passed as further amended.

**SB 173** be passed over and retain a place on the calendar.

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

On motion of Senator Suellentrop an emergency was declared by a 2/3 constitutional majority, and **SB 71, SB 72, Sub SB 84, SB 98, SB 119, SB 147, SB 185, Sub SB 238** and **SB 283** were advanced to Final Action and roll call.

**SB 71**, AN ACT concerning taxation; relating to income and privilege tax; credits; establishing an Eisenhower foundation contribution credit.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

**SB 72**, AN ACT concerning property taxation; relating to county appraisers, qualifications and appraisal courses for registered mass appraiser designation; state board of tax appeals, appraisal course requirements; appraisal courses approved by the real estate appraisal board; amending K.S.A. 74-2433 and K.S.A. 2020 Supp. 19-430 and 19-432 and repealing the existing sections.

On roll call, the vote was: Yeas 28; Nays 11; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

The bill passed.

## EXPLANATION OF VOTE

Mr. President: I vote NO on **SB 72**. The Kansas Chamber of Commerce came before the Senate Taxation Committee as the lead proponent conferee on **SB 72**. At no time during the hearing did the Chamber disclose that they had court cases before the Board of Tax Appeals whose outcomes could, in fact, be materially impacted by passage of this bill. I believe that the Chamber's true motive in promoting this legislation is to help support the legal position for those Chamber member "big box" businesses that have outstanding cases before BOTA. Their client attorneys are promoting Dark Store Theory arguments in their legal arguments before BOTA. Those attorneys seek to discredit the IAAO which has published an industry-reviewed paper evidently taking issue with some of those Dark Store Theory arguments. This bill is nothing but legal subterfuge and ultimately jeopardizes the property rights, wallets and pocket books of residential property owners.—TOM HOLLAND

Senators Francisco and Petty request the record to show they concur with the "Explanation of Vote" offered by Senator Holland on **SB 72**.

**Sub SB 84**, AN ACT concerning gaming; relating to the Kansas expanded lottery act; Kansas lottery and Kansas racing and gaming commission, rules and regulations; authorizing sports wagering; authorizing uses of the problem gambling and addictions grant fund; creating the sports wagering receipts fund and the white collar crime fund; amending K.S.A. 46-2301, 74-8702, 74-8710, 74-8711, 74-8716, 74-8718, 74-8733, 74-8734, 74-8751, 74-8752, 74-8756, 74-8757, 74-8758, 74-8760, 74-8772, 79-4805 and 79-4806 and K.S.A. 2020 Supp. 21-6403, 21-6507 and 21-6508 and repealing the existing sections.

On roll call, the vote was: Yeas 26; Nays 12; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Holscher, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Petersen, Pettey, Pittman, Steffen, Straub, Sykes, Ware, Wilborn.

Nays: Baumgardner, Claeys, Erickson, Gossage, Hilderbrand, Holland, McGinn, Peck, Pyle, Suellentrop, Thompson, Tyson.

Present and Passing: Warren.

The substitute bill passed, as amended.

## EXPLANATION OF VOTE

Mr. President: There was considerable discussion about all of the additional money that would come into the state of Kansas with the expansion of gambling with **Sub SB 84**. What wasn't discussed was the fact that gambling is an industry that feasts on the poor and vulnerable. Expanding gambling in our state will only serve as an enticement for those with an addiction. While some of the revenues will go toward helping them, it won't stem the tide of addiction.—MOLLY BAUMGARDNER

Senator Gossage request the record to show she concurs with the "Explanation of Vote" offered by Senator Baumgardner on **Sub SB 84**.

**SB 98**, AN ACT concerning property taxation; relating to the state board of tax appeals; judicial review, burden of proof in district court; appointments, extending the time a board member may continue to serve after member's term expires; authorizing

appointment by the governor of a member pro tempore under certain conditions; amending K.S.A. 74-2426 and 74-2433 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Pyle.

The bill passed, as amended.

**SB 119**, AN ACT concerning property taxation; relating to state board of tax appeals orders and notices; service by electronic means; time to request full and complete opinion; prohibiting valuation increases in certain appeals; relating to the county appraiser eligibility list; requiring notification when person no longer holds office of county appraiser; complying with certain appraisal standards; amending K.S.A. 74-2426, 74-2433f, 79-505, 79-1448, 79-1609 and 79-2005 and K.S.A. 2020 Supp. 19-432 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Olson.

The bill passed.

**SB 147**, AN ACT concerning sales taxation; relating to exemptions; defining nonprofit integrated community care organizations and providing an exemption therefor; amending K.S.A. 79-3602 and 79-3606 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

**SB 185**, AN ACT concerning the Kansas department for children and families; relating to the Kansas commission for the deaf and hard of hearing; authorizing such commission to adopt rules and regulations for interpreters and interpreter services; establishing a sign language interpreter registration process and fees relating thereto; providing guidelines for communication access services; amending K.S.A. 75-4355a, 75-4355b, 75-5391, 75-5393 and 75-5397a and repealing the existing sections.

On roll call, the vote was: Yeas 24; Nays 15; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Bowers, Claeys, Corson, Dietrich, Doll, Faust-Goudeau,

Francisco, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, McGinn, Peck, Petersen, Pettey, Pittman, Suellentrop, Sykes, Ware.

Nays: Billinger, Erickson, Fagg, Gossage, Hilderbrand, Masterson, O'Shea, Olson, Pyle, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

The bill passed as amended.

**Sub SB 238**, AN ACT concerning health and healthcare; relating to credentialing of health professions and facilities; certification and funding of certified community behavioral health clinics; prescribing powers, duties and functions of the Kansas department for aging and disability services and the department of health and environment related thereto; authorizing the issuance of telemedicine waivers for out-of-state healthcare providers; relating to professions regulated by the behavioral sciences regulatory board; reducing certain licensing requirements; expanding temporary practice permits and the board's grounds for discipline; amending K.S.A. 65-5804a, 65-5807a, 65-5808, 65-5809, 65-6309a, 65-6311, 65-6404, 65-6405a, 65-6408, 65-6610, 65-6612, 65-6615, 74-5316a, 74-5324, 74-5363, 74-5367a and 74-5369 and K.S.A. 2020 Supp. 65-6306 and 65-6411 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Steffen.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. President: I vote "NO" on **Sub SB 238** because: 1) the certified community behavioral health clinics sound wonderful but the bill is too broad and serves as a blank check against the taxpayer; 2) the cuts in Behavioral Science license requirements are too much, too fast; and 3) the allowance of tele-medicine by out-of-state doctors is a threat against good primary care and makes rural health care providers less secure as they lose patient visits to out-of-state providers.—MARK STEFFEN

**SB 283**, AN ACT concerning the governmental response to the COVID-19 pandemic in Kansas; extending the expanded use of telemedicine in response to the COVID-19 public health emergency; extending the authority of the board of healing arts to grant certain temporary emergency licenses; imposing requirements related thereto and expiring such provisions; extending the suspension of certain requirements related to medical care facilities and expiring such provisions; modifying the COVID-19 response and reopening for business liability protection act; extending immunity from civil liability for certain healthcare providers and for certain persons conducting business in this state for COVID-19 claims until March 31, 2022; amending K.S.A. 2020 Supp. 48-963, as amended by section 7 of 2021 Senate Bill No. 14, 48-964, 48-965, as amended by section 8 of 2021 Senate Bill No. 14, 60-5503, 60-5504, as amended by section 10 of 2021 Senate Bill No. 14, and 65-468 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Straub, Suellentrop, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Corson, Francisco, Haley, Hawk, Holland, Pettey, Steffen, Sykes.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. President: I vote "NO" on **SB 283** because: 1) the certified community behavioral health clinics sound wonderful but the bill is too broad and serves as a blank check against the taxpayer; 2) the cuts in Behavioral Science license requirements are too much, too fast; and 3) the allowance of tele-medicine by out-of-state doctors is a threat against good primary care and makes rural health care providers less secure as they lose patient visits to out-of-state providers.—MARK STEFFEN

#### POINT OF PERSONAL PRIVILEGE

Senator Haley rose on a Point of Personal Privilege to introduce to the Chamber his eldest daughter, Mariah Haley, and friend, Zachary Hardwick, both Columbia University Law students. The Senate greeted the guests with applause.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1610—

By Senators Masterson, Suellentrop and Sykes

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period of time during the 2021 regular session of the legislature.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That the legislature shall adjourn at the close of business of the daily session convened on March 5, 2021, and shall reconvene on March 10, 2021, pursuant to adjournment of the daily session convened on March 5, 2021; and

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

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

*Be it further resolved:* That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating

council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation, subsistence allowances, mileage and other expenses in amounts prescribed under K.S.A. 75-3212, and amendments thereto.

On emergency motion of Senator Suellentrop **SCR 1610** was adopted by voice vote.

#### **REPORT ON ENROLLED BILLS**

**H Sub SB 88** reported correctly enrolled, properly signed and presented to the Governor on March 3, 2021.

On motion of Senator Suellentrop, the Senate adjourned Pro Forma until 2:30 p.m., March 4, 2021.

# Journal of the Senate

THIRTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, March 4, 2021, 10:00 a.m.

The Senate was called to order Pro Forma by President Ty Masterson.

## MESSAGES FROM THE GOVERNOR

**SB 27, SB 88** approved on March 3, 2021.

## MESSAGE FROM THE HOUSE

The Speaker announced the appointment of Representatives Patton, Ralph, and Carmichael as conferees on **SB 40**.

Announcing passage of **HB 2045, HB 2183, HB 2208, HB 2209, HB 2228**.

## INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2045, HB 2183, HB 2208, HB 2209, HB 2228** were thereupon introduced and read by title.

## CHANGE OF REFERENCE

The President withdrew **SB 161, SB 177, SB 213, SB 219** from the Committee on **Commerce**, and referred the bill to the Committee on **Federal and State Affairs**.

The President withdrew **SB 57, SB 150, SB 206** from the Committee on **Judiciary** and referred the bills to the Committee on **Federal and State Affairs**.

The President withdrew **SB 199** from the Committee on **Financial Institution and Insurance** and referred the bill to the Committee on **Federal and State Affairs**.

The President withdrew **SB 146, SB 158** from the Committee on **Transportation** and referred the bills to the Committee on **Federal and State Affairs**.

The President withdrew **SB 212** from the Committee on **Public Health and Welfare** and referred the bill to the Committee on **Federal and State Affairs**.

The President withdrew **SB 37, SB 93, SB 173** from the calendar under the heading of **General Orders** and referred the bills to the Committee on **Federal and State Affairs**.

## REFERENCE OF APPOINTMENTS

The appointment of Joseph Jeter, Member, State Banking Board, was withdrawn.

## REPORT ON ENROLLED BILLS

**SR 1713, SR 1714** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 4, 2021.

On motion of Senator Suellentrop, the Senate adjourned Pro Forma until 10:00 a.m.,  
March 5, 2021.

# Journal of the Senate

THIRTY-NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, March 5, 2021, 10:00 a.m.

The Senate was called to order Pro Forma by Senator Brenda Dietrich.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 287**, AN ACT concerning health and healthcare; enacting the Kansas medical marijuana regulation act; relating to medical cannabis; providing for the licensure and regulation of medical cannabis, including the manufacture, transportation and sale of medical cannabis; providing certain fines and penalties for violations of the act; relating to health benefits coverage; expanding medical assistance eligibility; directing the department of health and environment to study certain medicaid expansion topics; adding meeting days to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight to monitor implementation; making and concerning appropriations for the fiscal years ending June 30, 2021, June 30, 2022, and June 30, 2023; amending K.S.A. 65-28b08, 79-5201 and 79-5210 and K.S.A. 2020 Supp. 21-5703, 21-5705, 21-5706, 21-5707, 21-5709, 21-5710, 23-3203, 38-2269, 39-7,160, 40-3213, 44-501, 44-706, 44-1009, 44-1015 and 65-1120 and repealing the existing sections, by Committee on Federal and State Affairs.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **HB 2045**, **HB 2097**.

Federal and State Affairs: **HB 2057**, **HB 2138**, **HB 2183**.

Judiciary: **HB 2153**, **HB 2228**, **HB 2361**, **HB 2362**.

Public Health and Welfare: **HB 2208**, **HB 2209**, **HB 2234**.

Transparency and Ethics: **HB 2390**.

## COMMUNICATIONS FROM STATE OFFICERS

Kansas Advisory Group on Juvenile Justice and Delinquency Prevention (KAG):  
2020 Juvenile Justice Report (March 5, 2021)

## CHANGE OF REFERENCE

Under the authority of the President, Senator Dietrich withdrew **HB 2264** from the Committee on **Judiciary**, and referred the bill to the Committee on **Federal and State Affairs**.

Under the authority of the President, Senator Dietrich withdrew **SB 174** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Federal and State Affairs**.

Under the authority of the President, Senator Dietrich withdrew **SB 161**, **SB 177**, **SB 213**, **SB 219** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Commerce**.

Under the authority of the President, Senator Dietrich withdrew **SB 199** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Financial Institutions and Insurance**.

Under the authority of the President, Senator Dietrich withdrew **SB 57**, **SB 150**, **SB 206** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Judiciary**.

Under the authority of the President, Senator Dietrich withdrew **SB 212** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Public Health and Welfare**.

Under the authority of the President, Senator Dietrich withdrew **SB 146**, **SB 158** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Transportation**.

Under the authority of the President, Senator Dietrich withdrew **SB 37**, **SB 93**, **SB 173** from the Committee on **Federal and State Affairs**, and rereferred to the calendar under the heading of **General Orders**.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2085**, **HB 2218**, **HB 2245**, **HB 2295**, **HB 2313**.

Announcing passage of **Sub HB 2066**; **HB 2106**, **HB 2116**, **HB 2143**, **HB 2231**, **HB 2279**, **HB 2280**, **HB 2315**, **HB 2332**, **HB 2377**.

Announcing passage of **SB 13**, as amended; **SB 21**, as amended; **SB 47**, as amended.

Announcing adoption of **SCR 1610**.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**Sub HB 2066**, **HB 2085**, **HB 2106**, **HB 2116**, **HB 2143**, **HB 2218**, **HB 2231**, **HB 2245**, **HB 2279**, **HB 2280**, **HB 2295**, **HB 2313**, **HB 2315**, **HB 2332**, **HB 2377** were thereupon introduced and read by title.

#### TRIBUTES

Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of March 1 through March 5, 2021:

Senator Steffen: congratulating Kingman Lions Club on its 100th Anniversary; and

Senator Wilborn: congratulating Bailey Wilborn on scoring over 1,000 points in her basketball career at Andover Central High School.

#### REPORT ON ENROLLED BILLS

**SB 33** reported correctly enrolled, properly signed and presented to the Governor on March 5, 2021.

On motion of Senator Kloos, the Senate adjourned until 2:30 p.m., Wednesday, March 10, 2021.

# Journal of the Senate

FORTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 10, 2021, 2:30 p.m.

The Senate was called to order by President Ty Masterson.

Invocation by Reverence Cecil T. Washington:

Lord, Can We Talk?

Isaiah 6:1-9

Lord, can we talk? Would You allow a feeble, fumbling, sometimes failing creation of Yours to approach You today? Can we talk?

There've been times when Your holiness was so real that it seemed impossible to cross the threshold into Your presence. How can a Holy and totally righteous God be receptive to one so lowly?

But then You gave us that Isaiah moment. In Isaiah 6:1-9, he had a vision that contrasted Your holiness with his unholiness.

When he considered Your majesty, it brought about his modesty. He saw that he was not worthy to come and talk to You. But in Your love and mercy, You came to him. His unholiness was forgiven. You touched his mouth and allowed him to talk to You. You even permitted him to talk to You.

In a like-manner Lord, touch us with Your love and mercy. Forgive our unholiness and remind us that we can talk to You...that You do hear our prayers. And from time to time, as You provide the opportunity, prompt us to talk for You. Help us to talk to You and for You more often.

In the precious name of Jesus, Amen!

The Pledge of Allegiance was led by President Masterson.

## OATH OF OFFICE

President Masterson requested Senator Suellentrop escort Ronald Ryckman, Sr. to the front of the Senate where he was joined by his wife, son, Speaker Ron Ryckman, Jr., and family.

OFFICE OF THE GOVERNOR  
STATE OF KANSAS  
CERTIFICATE OF APPOINTMENT

I, Laura Kelly, Governor of the State of Kansas, hereby appoint and commission

RONALD RYCKMAN, SR.  
As a member of the Kansas Senate  
For the 38<sup>th</sup> District of Kansas

and authorize this appointee to discharge the duties of this office upon fulfilling all legal requirements.

Signed this 8<sup>th</sup> day of March 2021

LAURA KELLY

*Governor*

SCOTT J. SCHWAB

*Secretary of State*

The President introduced the Honorable Marla Luckert, Chief Justice, Kansas Supreme Court, who administered the Oath of Office.

#### OATH OF OFFICE

STATE OF KANSAS, COUNTY OF SHAWNEE, ss:

I do solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Kansas, and will faithfully discharge the duties of the office of the State Senator of the 38th District. So help me God.

Subscribed and Sworn to, or Affirmed, before me this 10th day of March, 2021.

MARLA LUCKERT

*Chief Justice of the Supreme Court*

The roll was called with 37 senators present.

Senators Holscher, Holland and Wilborn were excused.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Masterson, Suellentrop and Sykes introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1715—

A RESOLUTION relating to assignment of seats of the Senate.

Be it resolved by the Senate of the State of Kansas:

The members of the 2021 regular session shall occupy the same seats assigned pursuant to 2021 Senate Resolution No. 1702 with the following exception: Ryckman 35.

On emergency motion of Senator Suellentrop, **SR 1715** was adopted by voice vote.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 288**, AN ACT concerning financial institutions; enacting the technology-enabled trust bank act; relating to requirements, fiduciary powers, duties, functions and limitations for trust banks; trust bank pilot program; prescribing administrative powers and duties for the state banking board and the state bank commissioner; establishing the technology-enabled trust bank development and expansion fund; providing an income

and privilege tax credit for trust banks making certain qualified charitable distributions, by Committee on Ways and Means.

**SB 289**, AN ACT concerning the state response to the emergency of COVID-19; enacting the frontline service pay act; providing for enhanced hazard pay for frontline service workers funded by federal COVID-19 moneys provided to Kansas and making such pay exempt from state income tax; amending K.S.A. 79-32,117 and repealing the existing section, by Committee on Ways and Means.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2106, HB 2143, HB 2313, HB 2315.**

Education: **HB 2085.**

Federal and State Affairs: **Sub HB 2066, HB 2332.**

Judiciary: **HB 2231, HB 2377.**

Public Health and Welfare: **SB 287, HB 2116, HB 2279, HB 2280.**

Transportation: **HB 2245, HB 2295.**

Ways and Means: **HB 2218.**

#### MESSAGES FROM THE GOVERNOR

February 18, 2021

*To the Senate of the State of Kansas*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

*Judge, Kansas Court of Appeals*, Lesley Isherwood, Sedgwick County (D), pursuant to the authority vested in me by K.S.A. 20-3020 and effective upon the date of confirmation by the Senate, to serve a four-year term subject to retention for successive terms by public vote, to succeed Judge Steve Leben.

Enclosed is Executive Order 21-07 for your information. (March 2, 2021)

Enclosed herewith is Executive Directive No. 21-530 for your information. (March 5, 2021)

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2039, HB 2058, HB 2088, HB 2126, Sub HB 2196, HB 2224, HB 2227, HB 2239, HB 2379, HB 2405, HB 2416.**

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2039, HB 2058, HB 2088, HB 2126, Sub HB 2196, HB 2224, HB 2227, HB 2239, HB 2379, HB 2405, HB 2416** were thereupon introduced and read by title.

**REFERENCE OF BILLS**

The President referred **HB 2416** to the Committee on Judiciary.

**CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

On motion of Senator Tyson the Senate nonconcurred in the House amendments to **SB 47** and requested a conference committee be appointed.

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

**CHANGE OF CONFERENCE**

The President appointed Senator Thompson to replace Senator Wilborn as a member of the conference committee on **SB 40**.

**CHANGE OF REFERENCE**

The President withdrew **SB 174** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Public Health and Welfare**.

On motion of Senator Suellentrop, the Senate adjourned until 2:30 p.m., Thursday, March 11, 2021.

# Journal of the Senate

FORTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, March 11, 2021, 2:30 p.m.

The Senate was called to order by President Ty Masterson.  
The roll was called with 38 senators present.  
Senators Pettey and Wilborn were excused.  
Invocation by Reverend Cecil T. Washington:

Achieving The Impossible By The Power of Prayer!  
Mark 1:35-38

As your Chaplain, I pray this encourages you.

Yesterday, referring to the power of prayer, I made reference to Harriett Tubman, famous “conductor” of the “Underground Railroad.” While achieving the impossible, she attributed her success to the efficacy of her prayer life.

As you assume these seats, the tasks you face may seem, at times, impossible. But in spite of having suffered a stroke, and with a \$40,000 bounty on her head, God enabled Harriet to do the impossible. And He will do the same for us.

She made 19 different trips into the dangerous south, and escorted over 300 slaves to freedom. Never getting caught and not even losing one of her so called “passengers.”

Each of you here, is a “conductor,” and by the grace of God, on a trip to freedom. Let the power of prayer, not be the caboose, but the engine that takes you there. And these prayers that God has given us can be your ticket.

Lord, I pray that ALL under the sound of my voice, come to know You more and more intimately, through prayer. In Mark 1:35-38, You gave us the example of Jesus, Who got up in the morning to pray; got away from distractions to pray, and from You, got guidance to achieve the impossible. Help us now, to learn that example.

For Your glory and for our good. Amen!

The Pledge of Allegiance was led by President Masterson.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 290**, AN ACT concerning the healthcare stabilization fund; relating to minimum professional liability insurance coverage requirements; changing membership of the board of governors; service of notice thereon; amending K.S.A. 40-3409 and K.S.A. 2020 Supp. 40-3402, 40-3403, 40-3408, 40-3414 and 40-3424 and repealing the existing sections, by Committee on Ways and Means.

**SB 291**, AN ACT concerning labor and employment; increasing the minimum wage;

providing that the highest minimum wage under state or federal law will apply; amending K.S.A. 2020 Supp. 44-1203 and repealing the existing section, by Committee on Ways and Means.

**SB 292**, AN ACT concerning elections; relating to advance voting ballots; requiring certain signed statements for delivery of such ballots on behalf of a voter; limiting the number of ballots that can be delivered; penalties for violations; amending K.S.A. 2020 Supp. 25-1124 and 25-1128 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 293**, AN ACT concerning elections; creating the transparency in revenues underwriting elections act; prohibiting the receipt and expenditure of private moneys by election officials, by Committee on Federal and State Affairs.

**SB 294**, AN ACT concerning firearms; creating the Roy'Al Spencer firearms safety act; requiring the safe storage of firearms; establishing criminal penalties for violations, by Committee on Federal and State Affairs.

**SB 295**, AN ACT concerning health and healthcare; relating to COVID-19 vaccine distribution; authorizing counties to adopt prioritized vaccination plans; prohibiting the state from reducing vaccination allotments based on adherence to state guidelines, by Committee on Federal and State Affairs.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2239**.

Commerce: **Sub HB 2196**.

Education: **HB 2039**.

Federal and State Affairs: **HB 2058**.

Financial Institutions and Insurance: **SB 288; HB 2379**.

Judiciary: **HB 2126, HB 2227**.

Public Health and Welfare: **HB 2088, HB 2224**.

Ways and Means: **SB 289; HB 2405**.

#### REFERENCE OF APPOINTMENTS

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

*Judge, Kansas Court of Appeals:*

Lesley Isherwood

(Committee on Judiciary)

#### MESSAGES FROM THE GOVERNOR

**SB 33** approved on March 11, 2021.

On motion of Senator Suellentrop, the Senate recessed until the sound of the gavel.

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**COMMITTEE OF THE WHOLE**

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

On motion of Senator Billinger the following report was adopted:

**SB 50** be amended by the adoption of the committee amendments, and the bill be passed as amended.

**HB 2026** be passed over and retain a place on the calendar.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator Suellentrop an emergency was declared by a 2/3 constitutional majority, and **SB 50** was advanced to Final Action and roll call.

**SB 50**, AN ACT concerning taxation; relating to marketplace facilitators; requiring the collection and remittance for sales, compensating use and transient guest taxes and prepaid wireless 911 fees made on platforms; removing click-through nexus provisions; amending K.S.A. 79-3702 and repealing the existing section.

On roll call, the vote was: Yeas 35; Nays 3; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pittman, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren.

Nays: Hilderbrand, Olson, Pyle.

Absent or Not Voting: Pettey, Wilborn.

The bill passed, as amended.

**CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

Senator Tyson moved the Senate concur in House amendments to **SB 13**.

**SB 13**, AN ACT concerning property taxation; relating to tax levy rates, establishing notice and public hearing requirements prior to approval by a governing body to exceed its revenue neutral rate and discontinuing the city and county tax lid; prohibiting valuation increase of real property solely as the result of normal repair, replacement or maintenance; establishment of a payment plan for the payment of delinquent or nondelinquent taxes; requiring the director of accounts and reports to include revenue neutral rate on regular budget form; eliminating certain requirements for budget approval for select taxing subdivisions; providing for payment of county printing and postage notification costs; establishing the taxpayer notification costs fund; amending K.S.A. 79-1460, 79-1801, 79-2024, 79-2925c and 79-2929 and repealing the existing sections; also repealing K.S.A. 79-2925b.

On roll call, the vote was: Yeas 30; Nays 5; Present and Passing 3; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hawk, Hilderbrand, Holland, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren.

Nays: Corson, Doll, Haley, Holscher, Sykes.

Present and Passing: Faust-Goudeau, Francisco, Ware.

Absent or Not Voting: Pettey, Wilborn.

The Senate concurred.

### CONSIDERATION OF APPOINTMENTS

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

Senator Suellentrop moved the following appointment without recommendation as recommended by the Committee on **Assessment and Taxation**.

A motion by Senator Holland to refer the appointment nomination to the Committee on **Judiciary** failed.

*By the Governor*

On the appointment to the:

*State Board of Tax Appeals:*

Robert (Robin) Marx, to serve a term ending January 15, 2024

On roll call, the vote was: Yeas 11; Nays 27; Present and Passing 0; Absent or Not Voting 2.

Yeas: Corson, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pittman, Sykes, Ware.

Nays: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren.

Absent or Not Voting: Pettey, Wilborn.

The appointment was not confirmed.

Senator Suellentrop moved the following appointment be confirmed as recommended by the Committee on **Assessment and Taxation**.

*By the Governor*

On the appointment to the:

*State Board of Tax Appeals:*

Virginia Powell, to serve a term ending January 15, 2024

On roll call, the vote was: Yeas 35; Nays 0; Present and Passing 3; Absent or Not Voting 2.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware.

Present and Passing: Baumgardner, Peck, Warren.

Absent or Not Voting: Pettey, Wilborn.

The appointment was confirmed.

### REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **HB 2063**, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee reports without recommendation to the Senate such appointment:

By the Governor:

*Member, KPERS Board of Trustees: K.S.A. 74-4905*

Kathleen VonAchen, to serve a term ending on January 15, 2025

**REPORT ON ENROLLED BILLS**

**SCR 1610** reported correctly enrolled, properly signed and presented to the Secretary of State on March 11, 2021.

**SR 1715** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 11, 2021.

On motion of Senator Suellentrop, the Senate adjourned Pro Forma until 2:30 p.m., March 12, 2021.

# Journal of the Senate

FORTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, March 12, 2021, 2:30 a.m.

The Senate was called to order Pro Forma by Senator Michael Fagg.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

**SCR 1611**, A CONCURRENT RESOLUTION making application to the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States that impose limits on the federal government, by Committee on Federal and State Affairs.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 291**.

Federal and State Affairs: **SB 292, SB 293, SB 294**.

Financial Institutions and Insurance: **SB 290**.

Public Health and Welfare: **SB 295**.

## CHANGE OF REFERENCE

Under the authority of the President, Senator Fagg withdrew **SB 245** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Financial Institutions and Insurance**.

## CHANGE OF CONFERENCE

Under the authority of the President, Senator Fagg appointed Senator Wilborn to replace Senator Thompson as a member of the conference committee on **SB 40**.

## REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 2** be passed.

Also, **Sub HB 2066**, as amended by House Committee of the Whole, be passed.

On motion of Senator Suellentrop, the Senate adjourned until 2:30 p.m., Monday, March 15, 2021.

# Journal of the Senate

FORTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, March 15, 2021, 2:30 p.m.

The Senate was called to order by President Ty Masterson.

The roll was called with 39 senators present.

Senator Holscher was absent.

Invocation by President Masterson:

Heavenly Father, Remind us we have come together here, in this chamber, to serve the people of Kansas who elected us. Cause us not to think more of ourselves than we ought. Cause us to think before we speak. Before our lips start moving, cause us to pause and think about our words. Remind us to never think our words will be overlooked and easily erased. Cause us to realize the distinction between arguing and quarreling. Cause us to argue our positions, to present reasons for, or against, the matter at hand, in an honorable way to the best of our ability. Keep us from quarrels and angry disputes, injuring otherwise friendly relations. At the end of the day, cause us to reflect not on what we gained or lost personally, but on what we accomplished for the people of Kansas in this legislative body and in this building. In Jesus Name, Amen

The Pledge of Allegiance was led by President Masterson.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 296**, AN ACT concerning sales and compensating use tax; relating to food and food ingredients; implementing a formulaic adjustment to the rate of tax; amending K.S.A. 79-3602, 79-3620 and 79-3710 and K.S.A. 2020 Supp. 79-3603 and 79-3703 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 297**, AN ACT concerning cities and counties; establishing restrictions on the collection of solid waste fees; amending K.S.A. 12-2102, 12-2106 and 65-3410 and repealing the existing sections, by Committee on Assessment and Taxation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Federal and State Affairs: **SCR 1611**.

## MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **SB 47** and has appointed Representatives Adam Smith, Mason and Gartner as conferees on the part of

the House.

#### REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2112**, be passed.

Committee on **Education** recommends **HB 2070** be passed.

Also, **HB 2124** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **HB 2001**, as amended by House Committee, be amended on page 12, in line 39, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Also, **HB 2071** be amended on page 3, in line 28, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 267** be amended by substituting with a new bill to be designated as "Substitute for SENATE BILL No. 267," as follows:

"Substitute for SENATE BILL No. 267

By Committee on Ways and Means

"AN ACT making and concerning appropriations for fiscal years ending June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 75-6702 and 75-6706 and K.S.A. 2020 Supp. 2-223, 12-1775a, 12-5256, 55-193, 72-5462, 74-50,107, 74-99b34, 75-2263, 75-6707, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections.";

And the substitute bill be passed.

On motion of Senator Suellentrop, the Senate adjourned until 2:30 p.m., Tuesday, March 16, 2021.

# Journal of the Senate

## FORTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 16, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.

The roll was called with 39 senators present.

Senator Suellentrop was excused.

Invocation by Reverend Cecil T. Washington:

A Very Present Help At ALL Times!  
Psalm 46:1-3

Lord, God, Creator of Heaven and earth, You are Lord of Lords and King of Kings. Truly, You are God, and there is none other! Your Word says, in Psalm 46:1, that as our God You are always there for us. When the issues of life are wearing on us, You're there. You feed us when we're hungry. You comfort us when we're sad. You strengthen us when we're weary. Like the air in a balloon keeps it from collapsing, You keep us. You keep us from absolute breakdowns.

When our friends and associates, see the smiles we wear on our faces, You see the pain and disappointments we struggle with on the inside. When our faith is feeble and faltering, when it's uncertain and shaky like jello, You step in and solidify it. You bolster our faith. You fortify our faith in You. When we just can't see You, because You are Spirit, You do something that we can see, which reveals Your faithful presence, and reinforces our faith.

When we face despair, You give us a glimmer of hope to keep us from giving up. You provide us with Your direction to keep us from total confusion. And all through the blessed privilege of prayer.

So Lord, keep us mindful to continue in prayer. To Your glory and honor, to our good, and to the good of Your people. I thank You again for the privilege, power and pleasure of prayer, in Jesus' Name, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 298**, AN ACT concerning the uniform controlled substances act; relating to substances included in schedules I, II, IV and V; amending K.S.A. 65-4107, 65-4111 and 65-4113 and K.S.A. 2020 Supp. 65-4105 and repealing the existing sections, by Committee on Federal and State Affairs.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 296**.

Local Government: **SB 297**.

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2219, HB 2287**.

The House adopts the Conference Committee report on **SB 40**.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2219, HB 2287** were thereupon introduced and read by title.

The Senate recessed until the sound of the gavel.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 40** 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, by striking all in lines 11 through 32;

By striking all on pages 2 through 28;

On page 29, by striking all in lines 1 through 22 and inserting:

"New Section 1. (a) (1) During the state of disaster emergency related to the COVID-19 health emergency described in K.S.A. 2020 Supp. 48-924b, and amendments thereto, only the board of education responsible for the maintenance, development and operation of a school district shall have the authority to take any action, issue any order or adopt any policy made or taken in response to such disaster emergency that affects the operation of any school or attendance center of such school district, including, but not limited to, any action, order or policy that:

(A) Closes or has the effect of closing any school or attendance center of such school district;

(B) authorizes or requires any form of attendance other than full-time, in-person attendance at a school in the school district, including, but not limited to, hybrid or remote learning; or

(C) mandates any action by any students or employees of a school district while on school district property.

(2) An action taken, order issued or policy adopted by the board of education of a school district pursuant to paragraph (1) shall only affect the operation of schools under the jurisdiction of the board and shall not affect the operation of nonpublic schools.

(3) During any such disaster emergency, the state board of education, the governor, the department of health and environment, a local health officer, a city health officer or any other state or local unit of government may provide guidance, consultation or other assistance to the board of education of a school district but shall not take any action related to such disaster emergency that affects the operation of any school or attendance center of such school district pursuant to paragraph (1).

(b) Any meeting of a board of education of a school district discussing an action, order or policy described in this section, including any hearing by the board under subsection (c), shall be open to the public in accordance with the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto, and may be conducted by electronic audio-visual communication when necessary to secure the health and safety of the public, the board and employees.

(c) (1) An employee, a student or the parent or guardian of a student aggrieved by an action taken, order issued or policy adopted by the board of education of a school district pursuant to subsection (a)(1), or an action of any employee of a school district violating any such action, order or policy, may request a hearing by such board of education to contest such action, order or policy within 30 days after the action was taken, order was issued or policy was adopted by the board of education. Any such request shall not stay or enjoin such action, order or policy.

(2) Upon receipt of a request under paragraph (1), the board of education shall conduct a hearing within 72 hours of receiving such request for the purposes of reviewing, amending or revoking such action, order or policy. The board shall issue a decision within seven days after the hearing is conducted.

(3) The board of education may adopt emergency rules of procedure to facilitate the efficient adjudication of any hearing requested under this subsection, including, but not limited to, rules for consolidation of similar hearings.

(d) (1) An employee, a student or the parent or guardian of a student aggrieved by a decision of the board of education under subsection (c)(2) may file a civil action in the district court of the county in which such party resides or in the district court of Shawnee county, Kansas, within 30 days after such decision is issued by the board. Notwithstanding any order issued pursuant to K.S.A. 2020 Supp. 20-172(a), and amendments thereto, the court shall conduct a hearing within 72 hours after receipt of a petition in any such action. The court shall grant the request for relief unless the court finds the action taken, order issued or policy adopted by the board of education is narrowly tailored to respond to the state of disaster emergency and uses the least restrictive means to achieve such purpose. The court shall issue an order on such petition within seven days after the hearing is conducted. If the court does not issue an order on such petition within seven days, the relief requested in the petition shall be granted.

(2) Relief under this section shall not include a stay or injunction concerning the contested action taken, order issued or policy adopted by the board of education that applies beyond the county in which the petition was filed.

(3) The supreme court may adopt emergency rules of procedure to facilitate the efficient adjudication of any hearing requested under this subsection, including, but not limited to, rules for consolidation of similar hearings.

New Sec. 2. (a) (1) During the state of disaster emergency related to the COVID-19 health emergency described in K.S.A. 2020 Supp. 48-924b, and amendments thereto, only the governing body of a community college, as established pursuant to K.S.A. 71-201, and amendments thereto, or the governing body of a technical college, as established pursuant to K.S.A. 74-32,452, and amendments thereto, shall have the authority to take any action, issue any order or adopt any policy made or taken in response to such disaster emergency that affects the operation of the community college or technical college governed by such governing body, including, but not limited to, any

action, order or policy that:

- (A) Closes or has the effect of closing any community college or technical college;
- (B) authorizes or requires any form of attendance at any community college or technical college; or
- (C) mandates any action by any students or employees of a community college or technical college while on college property.

(2) During any such disaster emergency, the state board of regents, the governor, the department of health and environment, a local health officer, a city health officer, the Kansas association of community college trustees, the Kansas technical college association or any other state or local unit of government may provide guidance, consultation or other assistance to the governing body of a community college or technical college, but shall not take any action related to such disaster emergency that affects the operation of any such college.

(b) Any meeting of a governing body of a community college or technical college discussing an action, order or policy described in this section, including any hearing by such governing body under subsection (c), shall be open to the public in accordance with the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto, and may be conducted by electronic audio-visual communication when necessary to secure the health and safety of the public, the governing body and employees.

(c) (1) An employee or a student aggrieved by an action taken, order issued or policy adopted by the governing body of a community college or technical college pursuant to subsection (a)(1), or an action of any employee of such college violating any such action, order or policy, may request a hearing by such governing body to contest such action, order or policy. Any such request shall not stay or enjoin such action, order or policy.

(2) Upon receipt of a request under paragraph (1), the governing body shall conduct a hearing within 72 hours of receiving such request for the purposes of reviewing, amending or revoking such action, order or policy. The governing body shall issue a decision within seven days after the hearing is conducted.

(3) The governing body may adopt emergency rules of procedure to facilitate the efficient adjudication of any hearing requested under this subsection, including, but not limited to, rules for consolidation of similar hearings.

(d) (1) An employee or a student aggrieved by a decision of the governing body under subsection (c)(2) may file a civil action in the district court of the county in which such party resides or in the district court of Shawnee county, Kansas, within 30 days after such decision is issued by the governing body. Notwithstanding any order issued pursuant to K.S.A. 2020 Supp. 20-172(a), and amendments thereto, the court shall conduct a hearing within 72 hours after receipt of a petition in any such action. The court shall grant the request for relief unless the court finds the action taken, order issued or policy adopted by the governing body is narrowly tailored to respond to the state of disaster emergency and uses the least restrictive means to achieve such purpose. The court shall issue an order on such petition within seven days after the hearing is conducted. If the court does not issue an order on such petition within seven days, the relief requested in the petition shall be granted.

(2) Relief under this section shall not include a stay or injunction concerning the contested action taken, order issued or policy adopted by the governing body that applies beyond the county in which the petition was filed.

(3) The supreme court may adopt emergency rules of procedure to facilitate the efficient adjudication of any hearing requested under this subsection, including, but not limited to, rules for consolidation of similar hearings.

Sec. 3. K.S.A. 46-1201 is hereby amended to read as follows: 46-1201. (a) There is hereby established the legislative coordinating council which shall have ~~seven (7)~~ eight members. Such members shall be the president of the senate, the speaker of the house of representatives, the vice president of the senate, the speaker pro tem of the house of representatives, the majority leader of the senate, the majority leader of the house of representatives, the minority leader of the senate, and the minority leader of the house of representatives.

(b) In even-numbered years, the speaker of the house of representatives shall be ~~chairman~~ chairperson of the legislative coordinating council, and the president of the senate shall be ~~vice chairman thereof~~ vice chairperson. In odd-numbered years, the president of the senate shall be ~~chairman~~ chairperson of the legislative coordinating council, and the speaker shall be ~~vice chairman thereof~~ vice chairperson.

(c) The legislative coordinating council shall meet at least once each month in the interim between legislative sessions. Such council shall meet on the call of ~~its chairman~~ the chairperson or any three members of the council. The director of legislative administrative services, director of legislative research, revisor of statutes and each member of the legislature shall be given notice of each meeting of the council by ~~its chairman~~ the chairperson, except in cases of emergency. Each such notice shall state the date, time and place of the meeting. The ~~chairman~~ chairperson also shall cause minutes to be prepared for each meeting of the council, and a copy thereof shall be sent to each person who is required to receive notice of the council's meetings by this subsection. It shall not be necessary to transmit with such minutes any accompanying documents for any item of business, but the minutes shall indicate whether there are supportive documents for any item of business, the nature of such documents and where they are filed or stored.

Sec. 4. K.S.A. 2020 Supp. 48-924, as amended by section 2 of 2021 Senate Bill No. 14, is hereby amended to read as follows: 48-924. (a) The governor shall be responsible for meeting the dangers to the state and people presented by disasters.

(b) (1) Subject to the provisions of K.S.A. 2020 Supp. 48-924b, and amendments thereto, the governor, upon finding that a disaster has occurred or that occurrence or the threat thereof is imminent, shall issue a proclamation declaring a state of disaster emergency.

(2) In addition to or instead of the proclamation authorized by K.S.A. 47-611, and amendments thereto, the governor, upon a finding or when notified pursuant to K.S.A. 47-611, and amendments thereto, that a quarantine or other regulations are necessary to prevent the spread among domestic animals of any contagious or infectious disease, may issue a proclamation declaring a state of disaster emergency. In addition to or instead of any actions pursuant to the provisions of K.S.A. 2-2114, and amendments thereto, the governor, upon a finding or when notified pursuant to K.S.A. 2-2112 et seq., and amendments thereto, that a quarantine or other regulations are necessary to prevent the spread among plants, raw agricultural commodities, animal feed or processed food of any contagious or infectious disease, may issue a proclamation declaring a state of disaster emergency.

(3) The state of disaster emergency so declared shall continue until the governor

finds that the threat or danger of disaster has passed, or the disaster has been dealt with to the extent that emergency conditions no longer exist. Upon making such findings the governor shall terminate the state of disaster emergency by proclamation, but except as provided in paragraph (4), no state of disaster emergency may continue for longer than 15 days unless ratified by concurrent resolution of the legislature, with the single exception that upon specific application by the governor to the ~~state finance council~~ legislative coordinating council and an affirmative vote of ~~a majority five~~ five of the legislative members thereof, a state of disaster emergency may be extended ~~once for a specified period not to exceed 30 days beyond such 15-day period~~ periods not to exceed 30 days each.

(4) If the state of disaster emergency is proclaimed pursuant to paragraph (2), the governor shall terminate the state of disaster emergency by proclamation within 15 days, unless ratified by concurrent resolution of the legislature, except that when the legislature is not in session and upon specific application by the governor to the ~~state finance~~ legislative coordinating council and an affirmative vote of ~~a majority of the legislative five~~ five members thereof, a state of disaster emergency may be extended for a specified period not to exceed 30 days. The ~~state finance legislative coordinating~~ council may authorize additional extensions of the state of disaster emergency by ~~a unanimous~~ an affirmative vote of ~~the legislative five~~ five members thereof for specified periods not to exceed 30 days each. Such state of disaster emergency shall be terminated on the 15<sup>th</sup> day of the next regular legislative session following the initial date of the state of disaster emergency unless ratified by concurrent resolution of the legislature.

(5) The state of disaster emergency described in K.S.A. 2020 Supp. 48-924b, and amendments thereto, shall terminate ~~on September 15, 2020~~, as provided in K.S.A. 2020 Supp. 48-924b, and amendments thereto, except that when the legislature is not in session or is adjourned during session for three or more days, and upon specific application by the governor to the ~~state finance~~ legislative coordinating council and an affirmative vote of ~~at least six of the legislative members of the council~~ five members thereof, this state of disaster emergency may be extended for specified periods not to exceed 30 days each. ~~No such extension granted by the state finance council shall continue past March 31, 2021.~~

(6) At any time, the legislature by concurrent resolution may require the governor to terminate a state of disaster emergency. Upon such action by the legislature, the governor shall issue a proclamation terminating the state of disaster emergency.

(7) Any proclamation declaring or terminating a state of disaster emergency ~~which that~~ is issued under this ~~subsection~~ section shall indicate the nature of the disaster, the area or areas of the state threatened or affected by the disaster and the conditions ~~which that~~ have brought about, or ~~which that~~ make possible the termination of, the state of disaster emergency. Each such proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent the same, each such proclamation shall be filed promptly with the division of emergency management, the office of the secretary of state and each city clerk or county clerk, as the case may be, in the area or areas of the state to which such proclamation applies.

(c) In the event of the absence of the governor from the state or the existence of any constitutional disability of the governor, an officer specified in K.S.A. 48-1204, and

amendments thereto, in the order of succession provided by that section, may issue a proclamation declaring a state of disaster emergency in the manner provided in and subject to the provisions of subsection ~~(a)~~ (b). During a state of disaster emergency declared pursuant to this subsection, such officer may exercise the powers conferred upon the governor by K.S.A. 48-925, and amendments thereto. If a preceding officer in the order of succession becomes able and available, the authority of the officer exercising such powers shall terminate and such powers shall be conferred upon the preceding officer. Upon the return of the governor to the state or the removal of ~~any~~ the constitutional disability of the governor, the authority of an officer to exercise the powers conferred by this section shall terminate immediately and the governor shall resume the full powers of the office. Any such state of disaster emergency and any actions taken by an officer under this subsection shall continue and shall have full force and effect as authorized by law unless modified or terminated by the governor in the manner prescribed by law.

(d) A proclamation declaring a state of disaster emergency shall activate the disaster response and recovery aspects of the state disaster emergency plan and of any local and interjurisdictional disaster plans applicable to ~~the political subdivisions or areas of the state and any political subdivisions thereof~~ affected by the proclamation. Such proclamation shall be constitute the authority necessary for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies, equipment, materials or facilities assembled, stockpiled or arranged to be made available pursuant to this act during a disaster.

(e) The governor, when advised pursuant to K.S.A. 74-2608, and amendments thereto, that conditions indicative of drought exist, ~~shall be~~ is authorized to declare by proclamation that a state of drought exists. This declaration of a state of drought can be for specific areas or communities, can be statewide or for specific water sources and shall effect immediate implementation of drought contingency plans contained in state approved conservation plans, including those for state facilities.

Sec. 5. K.S.A. 2020 Supp. 48-924b, as amended by section 3 of 2021 Senate Bill No. 14, is hereby amended to read as follows: 48-924b. (a) The state of disaster emergency that was declared by the governor pursuant to K.S.A. 48-924, and amendments thereto, as a result of the COVID-19 health emergency, by proclamation on March 12, 2020, which was ratified and continued in force and effect through May 1, 2020, by 2020 House Concurrent Resolution No. 5025, adopted by the house of representatives with the senate concurring therein on March 19, 2020, declared by proclamation on April 30, 2020, which was extended and continued in existence by the state finance council on May 13, 2020, for an additional 12 days through May 26, 2020, and declared by proclamation on May 26, 2020, which was ratified and continued in existence through September 15, 2020, by this section, extended and continued in existence by the state finance council on September 11, 2020, for an additional 30 days through October 15, 2020, extended and continued in existence by the state finance council on October 7, 2020, for an additional 30 days through November 15, 2020, extended and continued in existence by the state finance council on November 13, 2020, for an additional 30 days through December 15, 2020, extended and continued in existence by the state finance council on December 11, 2020, for an additional 26 days through January 10, 2021, ~~and~~ extended and continued in existence by the state finance council on January 6, 2021, for an additional 16 days through January 26, 2021, and

ratified and continued in existence through March 31, 2021, by this section for all 105 counties of Kansas, is hereby ratified and continued in existence from March 12, 2020, through ~~March 31~~ May 28, 2021.

(b) The governor shall not proclaim any new state of disaster emergency related, in whole or in part, to the COVID-19 health emergency, including, but not limited to, any economic, financial or other crisis caused by such emergency, during 2020 or 2021, unless the governor makes specific application to the ~~state finance~~ legislative coordinating council and an affirmative vote of ~~at least six of the legislative~~ five members of the council ~~approve thereof~~ approves such action by the governor.

(c) Notwithstanding any other provision of law to the contrary, all executive orders issued during the state of disaster emergency ratified and continued in existence pursuant to this section related to the COVID-19 health emergency are hereby revoked on March 31, 2021, and shall be null and void. Any new executive orders issued during the state of disaster emergency ratified and continued in existence pursuant to subsection (a) or during a state of disaster emergency authorized pursuant to subsection (b) that are related to the COVID-19 health emergency shall be subject to revocation by the legislature or the legislative coordinating council pursuant to K.S.A. 48-925, and amendments thereto.

Sec. 6. K.S.A. 2019 Supp. 48-925, as amended by section 4 of 2021 Senate Bill No. 14, is hereby amended to read as follows: 48-925. (a) During any state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, the governor shall be commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement, embodied in appropriate executive orders or in rules and regulations of the adjutant general, but nothing ~~herein~~ shall restrict the authority of the governor to do so by executive orders issued at the time of a disaster.

(b) Under the provisions of this act and for the implementation of this act, the governor may issue executive orders to exercise the powers conferred by subsection (c) that have the force and effect of law during the period of a state of disaster emergency declared under K.S.A. 48-924(b), and amendments thereto, or as provided in K.S.A. 2020 Supp. 48-924b, and amendments thereto. ~~Within 24 hours of the issuance of any such order, The governor chairperson of the legislative coordinating council shall call a meeting of the state finance council to occur within 24 hours of the issuance of an executive order issued pursuant to this section for the purposes of reviewing such order. Such executive orders shall be null and void after the period of a state of disaster emergency has ended. Such executive orders may be revoked at any time by concurrent resolution of the legislature or, when the legislature is not in session or is adjourned during session for three or more days, such orders may be revoked by the legislative coordinating council with the affirmative vote of five members thereof.~~

(c) Except as provided in K.S.A. 2020 Supp. 48-924b, and amendments thereto, during a state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, in addition to any other powers conferred upon the governor by law and subject to the provisions of ~~subsection (d), (e) and (f)~~ subsections (d) and (e), the governor may:

(1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders or rules and regulations of any state agency which implements such statute, if strict compliance with the provisions of such statute,

order or rule and regulation would prevent, hinder or delay in any way necessary action in coping with the disaster;

(2) utilize all available resources of the state government and of each political subdivision as reasonably necessary to cope with the disaster;

(3) transfer the supervision, personnel or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency management activities;

(4) subject to any applicable requirements for compensation under K.S.A. 48-933, and amendments thereto, commandeer or utilize any private property if the governor finds such action necessary to cope with the disaster;

(5) direct and compel the evacuation of all or part of the population from any area of the state stricken or threatened by a disaster, if the governor deems this action necessary for the preservation of life or other disaster mitigation, response or recovery;

(6) prescribe routes, modes of transportation and destinations in connection with such evacuation;

(7) control ingress and egress of persons and animals to and from a disaster area, the movement of persons and animals within the area and the occupancy by persons and animals of premises therein;

(8) suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives and combustibles;

(9) make provision for the availability and use of temporary emergency housing;

(10) require and direct the cooperation and assistance of state and local governmental agencies and officials; and

(11) perform and exercise such other functions, powers and duties in conformity with the constitution and the bill of rights of the state of Kansas and with the statutes of the state of Kansas, except any regulatory statute specifically suspended under the authority of subsection (c)(1), as are necessary to promote and secure the safety and protection of the civilian population.

(d) ~~The governor shall not have the power or authority to temporarily or permanently seize, or authorize seizure of, any ammunition or to suspend or limit the sale, dispensing or transportation of firearms or ammunition limit or otherwise restrict the sale, purchase, transfer, ownership, storage, carrying or transporting of firearms or ammunition, or any component or combination thereof, including any components or combination thereof used in the manufacture of firearms or ammunition, or seize or authorize the seizure of any firearms or ammunition, or any component or combination thereto, except as otherwise permitted by state or federal law pursuant to subsection (c) (8) or any other executive authority.~~

~~(e) Notwithstanding any provision of this section to the contrary and pursuant to the governor's state of disaster emergency proclamation issued on May 26, 2020, the governor shall not have the power or authority to restrict businesses from operating or to restrict the movement or gathering of individuals. The provisions of this subsection shall expire on September 15, 2020.~~

~~(f) The governor shall not have the power under the provisions of the Kansas emergency management act or the provisions of any other law to alter or modify any provisions of the election laws of the state including, but not limited to, the method by which elections are conducted or the timing of such elections.~~

~~(g)(f) The governor shall exercise the powers conferred by subsection (c) by~~

issuance of executive orders under subsection (b). Each executive order issued pursuant to the authority granted by subsection (b) shall specify the provision or provisions of subsection (c) by specific reference to each paragraph of subsection (c) that confers the power under which the executive order was issued. The adjutant general, subject to the direction of the governor, shall administer such executive orders.

~~(h)~~(g) (1) Any party aggrieved by an executive order issued pursuant to this section that has the effect of substantially burdening or inhibiting the gathering or movement of individuals or the operation of any religious, civic, business or commercial activity, whether for-profit or not-for-profit, may file a civil action in the district court of the county in which such party resides or in the district court of Shawnee county, Kansas, within 30 days after the issuance of such executive order. Notwithstanding any order issued pursuant to K.S.A. 2020 Supp. 20-172(a), and amendments thereto, the court shall conduct a hearing within 72 hours after receipt of a petition in any such action. The court shall grant the request for relief unless the court finds such executive order is narrowly tailored to respond to the state of disaster emergency and uses the least restrictive means to achieve such purpose. The court shall issue an order on such petition within seven days after the hearing is conducted. If the court does not issue an order on such petition within seven days, the relief requested in the petition shall be granted.

(2) Relief under this section shall not include a stay or injunction concerning the contested executive order that applies beyond the county in which the petition was filed.

(3) The supreme court may adopt emergency rules of procedure to facilitate the efficient adjudication of any hearing requested under this subsection, including, but not limited to, rules for consolidation of similar hearings.

~~(h)~~ (1) The board of county commissioners of any county may issue an order relating to public health that includes provisions that are less stringent than the provisions of an executive order effective statewide issued by the governor. Any board of county commissioners issuing such an order must make the following findings and include such findings in the order:

~~(+)~~(A) The board has consulted with the local health officer or other local health officials regarding the governor's executive order;

~~(=)~~(B) following such consultation, implementation of the full scope of the provisions in the governor's executive order are not necessary to protect the public health and safety of the county; and

~~(=)~~(C) all other relevant findings to support the board's decision.

(2) If the board of county commissioners of a county issues an order pursuant to paragraph (1), such order shall operate in the county in lieu of the governor's executive order.

Sec. 7. K.S.A. 2020 Supp. 48-925a, as amended by section 6 of 2021 Senate Bill No. 14, is hereby amended to read as follows: 48-925a. (a) During any state of disaster emergency related to the COVID-19 public health emergency declared pursuant to K.S.A. 48-924, and amendments thereto, the governor may not issue an order that substantially burdens or inhibits the gathering or movement of individuals or operation of any religious, civic, business or commercial activity, whether for-profit or not-for-profit.

(b) Any order issued that violates or exceeds the restrictions provided in subsection (a) shall not have the force and effect of law during the period of a state of disaster

emergency declared under K.S.A. 48-924(b), and amendments thereto, and any such order shall be null and void.

~~(e) The provisions of this section shall expire on March 31, 2021.~~

Sec. 8. K.S.A. 2020 Supp. 48-932 is hereby amended to read as follows: 48-932.

(a) A state of local disaster emergency may be declared by the ~~chairman~~ chairperson of the board of county commissioners of any county, or by the mayor or other principal executive officer of each city of this state having a disaster emergency plan, upon a finding by such officer that a disaster has occurred or the threat thereof is imminent within such county or city. No state of local disaster emergency shall be continued for a period in excess of seven days or renewed, except with the consent of the board of county commissioners of such county or the governing body of such city. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed with the county clerk or city clerk. Any such declaration may be reviewed, amended or revoked by the board of county commissioners or the governing body of the city, respectively, at a meeting of such governing body.

(b) In the event of the absence of the ~~chairman~~ chairperson of the board of county commissioners from the county or the incapacity of such ~~chairman~~ chairperson, the board of county commissioners, by majority action of the remaining members thereof, may declare a state of local disaster emergency in the manner provided in and subject to the provisions of subsection (a). In the event of the absence of the mayor or other principal executive officer of a city from the city or the incapacity of such mayor or officer, the governing body of the city, by majority action of the remaining members thereof, may declare a state of local disaster emergency in the manner provided in and subject to the provisions of subsection (a). Any state of local disaster emergency and any actions taken pursuant to applicable local and interjurisdictional disaster emergency plans, under this subsection shall continue and have full force and effect as authorized by law unless modified or terminated in the manner prescribed by law.

(c) The declaration of a local disaster emergency shall activate the response and recovery aspects of any and all local and interjurisdictional disaster emergency plans which are applicable to such county or city, and shall initiate the rendering of aid and assistance thereunder.

(d) No interjurisdictional disaster agency or any official thereof may declare a local disaster emergency, unless expressly authorized by the agreement pursuant to which the agency functions. However, an interjurisdictional disaster agency shall provide aid and services in accordance with the agreement pursuant to which it functions in the case of a state of local disaster emergency declared under subsection (a).

(e) (1) Any party aggrieved by an action taken by a local unit of government pursuant to this section that has the effect of substantially burdening or inhibiting the gathering or movement of individuals or the operation of any religious, civic, business or commercial activity, whether for-profit or not-for-profit, may file a civil action in the district court of the county in which such action was taken within 30 days after such action is taken. Notwithstanding any order issued pursuant to K.S.A. 2020 Supp. 20-172(a), and amendments thereto, the court shall conduct a hearing within 72 hours after receipt of a petition in any such action. The court shall grant the request for relief unless the court finds such action is narrowly tailored to respond to the state of local disaster emergency and uses the least restrictive means to achieve such purpose. The court shall

issue an order on such petition within seven days after the hearing is conducted. If the court does not issue an order on such petition within seven days, the relief requested in the petition shall be granted.

(2) Relief under this section shall not include a stay or injunction concerning the contested action that applies beyond the county in which the action was taken.

(3) The supreme court may adopt emergency rules of procedure to facilitate the efficient adjudication of any hearing requested under this subsection, including, but not limited to, rules for consolidation of similar hearings.

Sec. 9. K.S.A. 2020 Supp. 48-939 is hereby amended to read as follows: 48-939.

(a) (1) Except as provided in paragraph (2), a person who intentionally violates any provision of this act, any rule and regulation adopted by the adjutant general under this act or any lawful order or proclamation issued under authority of this act whether pursuant to a proclamation declaring a state of disaster emergency under K.S.A. 48-924, and amendments thereto, or a declaration of a state of local disaster emergency under K.S.A. 48-932, and amendments thereto, may incur a civil penalty in an amount not to exceed \$2,500 per violation. Each penalty may be assessed in addition to any other penalty provided by law.

(2) A knowing violation of an executive order issued pursuant to K.S.A. 48-925, and amendments thereto, that mandates a curfew or prohibits public entry into an area affected by a disaster is a class A nonperson misdemeanor.

~~(b) Violations of this section subsection (a)(1)~~ shall be enforced through an action brought under chapter 60 of the Kansas Statutes Annotated, and amendments thereto, by the attorney general or the county or district attorney in the county in which the violation took place. Civil penalties sued for and recovered by the county or district attorney shall be paid into the general fund of the county where the proceedings were instigated.

(c) The attorney general or any county or district attorney may bring an action to enjoin, or to obtain a restraining order, against a person who has violated, is violating or is otherwise likely to violate this act.

Sec. 10. K.S.A. 2020 Supp. 48-949 is hereby amended to read as follows: 48-949. As used in ~~this~~ the Kansas intrastate emergency mutual aid act:

(a) "Division" means the division of emergency management within the office of the adjutant general.

(b) "Emergency responder" means any person in the public or private sector who: (1) Has special skills, qualifications, training, knowledge and experience which would be beneficial to a participating political subdivision in response to a locally-declared emergency as defined in any applicable law or ordinance or authorized drill or exercises; and (2) is requested or authorized, or both, to respond. An emergency responder may or may not be required to possess a license, certificate, permit or other official recognition for the emergency responder's expertise in a particular field or area of knowledge. "Emergency responder" ~~may include~~ includes, but is not limited to, the following: Law enforcement officers, fire fighters, firefighters, 911 call center public safety telecommunicators, emergency medical services personnel, physicians, nurses, physician assistants, public health personnel, emergency management personnel, public works personnel and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency.

Sec. 11. K.S.A. 65-101 is hereby amended to read as follows: 65-101. (a) The secretary of health and environment shall exercise general supervision of the health of the people of the state and may:

(1) Where authorized by any other statute, require reports from appropriate persons relating to the health of the people of the state so a determination of the causes of sickness and death among the people of the state may be made through the use of these reports and other records;

(2) investigate the causes of disease, including especially, epidemics and endemics, the causes of mortality and effects of locality, employments, conditions, food, water supply, habits and other circumstances affecting the health of the people of this state and the causes of sickness and death;

(3) advise other offices and agencies of government concerning location, drainage, water supply, disposal of excreta and heating and ventilation of public buildings;

(4) make sanitary inspection and survey of such places and localities as the secretary deems advisable;

(5) take action to prevent the introduction of infectious or contagious disease into this state and to prevent the spread of infectious or contagious disease within this state;

(6) provide public health outreach services to the people of the state including educational and other activities designed to increase the individual's awareness and appropriate use of public and other preventive health services.

(b) The secretary of health and environment may adopt rules and regulations necessary to carry out the provisions of ~~paragraphs (1) through (6), inclusive,~~ of subsection (a). In addition to other remedies provided by law, the secretary is authorized to apply to the district court, and such court shall have jurisdiction upon a hearing and for cause shown to grant a temporary or permanent injunction to compel compliance with such rules and regulations.

(c) In the event of a state of disaster emergency declared by the governor pursuant to K.S.A. 48-924, and amendments thereto, or a state of local disaster emergency declared pursuant to K.S.A. 48-932, and amendments thereto, the legislature may revoke an order issued by the secretary to take action related to such disaster emergency as provided in this subsection. Such order may be revoked at any time by concurrent resolution of the legislature or, when the legislature is not in session or is adjourned during session for three or more days, such order may be revoked by the legislative coordinating council with the affirmative vote of five members thereof.

Sec. 12. K.S.A. 2020 Supp. 65-201 is hereby amended to read as follows: 65-201. (a) The board of county commissioners of each county shall act as the county board of health for the county. Each county board shall appoint a person licensed to practice medicine and surgery, preference being given to persons who have training in public health, who shall serve as the local health officer and who shall act in an advisory capacity to the county board of health. The appointing authority of city-county, county or multicounty health units with less than 100,000 population may appoint a qualified local health program administrator as the local health officer if a person licensed to practice medicine and surgery or person licensed to practice dentistry is designated as a consultant to direct the administrator on program and related medical and professional matters. The local health officer or local health program administrator shall hold office at the pleasure of the board.

(b) (1) Except as provided in paragraph (2), any order issued by the local health

officer, including orders issued as a result of an executive order of the governor, may be reviewed, amended or revoked by the board of county commissioners of the county affected by such order at a meeting of the board. Any order reviewed or amended by the board shall include an expiration date set by the board and may be amended or revoked at an earlier date by a majority vote of the board.

(2) If a local health officer determines it is necessary to issue an order mandating the wearing of face masks, limiting the size of gatherings of individuals, curtailing the operation of business, controlling the movement of the population of the county or limiting religious gatherings, the local health officer shall propose such an order to the board of county commissioners. At the next regularly scheduled meeting of the board or at a special meeting of the board, the board shall review such proposed order and may take any action related to the proposed order the board determines is necessary. The order shall become effective if approved by the board or, if the board is unable to meet, if approved by the chairperson of the board or the vice chairperson of the board in the chairperson's absence or disability.

(c) The board of county commissioners in any county having a population of less than 15,000 may contract with the governing body of any hospital located in such county for the purpose of authorizing such governing body of the hospital to supply services to a county board of health.

(d) (1) Any party aggrieved by an order issued pursuant to subsection (b)(2) may file a civil action in the district court of the county in which the order was issued within 30 days after such order is issued. Notwithstanding any order issued pursuant to K.S.A. 2020 Supp. 20-172(a), and amendments thereto, the court shall conduct a hearing within 72 hours after receipt of a petition in any such action. The court shall grant the request for relief unless the court finds such order is narrowly tailored to the purpose stated in the order and uses the least restrictive means to achieve such purpose. The court shall issue an order on such petition within seven days after the hearing is conducted. If the court does not issue an order on such petition within seven days, the relief requested in the petition shall be granted.

(2) Relief under this section shall not include a stay or injunction concerning the contested action that applies beyond the county in which the action was taken.

(3) The supreme court may adopt emergency rules of procedure to facilitate the efficient adjudication of any hearing requested under this subsection, including, but not limited to, rules for consolidation of similar hearings.

Sec. 13. K.S.A. 75-3711 is hereby amended to read as follows: 75-3711. (a) The governor shall:

(1) Hear and determine appeals by any state agency from final decisions or final actions of the secretary of administration or the director of computer services.

(2) Approve, modify and approve or reject proposed rules and regulations submitted by the secretary of administration as provided in K.S.A. 75-3706, and amendments thereto.

(3) Make allocations to, and approve expenditures by a state agency, from any appropriations to the governor for that purpose, of funds for unanticipated and unbudgeted needs, under guidelines and limitations prescribed by K.S.A. 75-3711c, and amendments thereto, or other legislative enactment enhancing or altering K.S.A. 75-3711c, and amendments thereto.

(4) Exercise powers and perform functions specified for the state finance council or

governor by the Kansas civil service act.

(b) (1) The chairperson and five or more other members of the state finance council shall constitute a quorum. Approval by the governor and approval by a majority vote of the legislative members of the state finance council shall govern, unless a unanimous vote is required by statute in any particular case.

(2) Whenever a matter is to be acted on by the state finance council and a unanimous vote is required to approve the particular matter by K.S.A. ~~48-924~~, 75-3713, 75-3713b or 75-3713c, and amendments thereto, or by any other statute, each member who is unable to attend the meeting at which the matter was voted on, may vote on the motion by written absentee vote in the manner prescribed by this subsection. In any such case, an absent member may vote on the motion by ~~(A)~~ writing the member's signature on a copy of the resolution setting forth the matter that is the subject of the motion, writing the date and indicating the member's vote for or against adoption of the resolution; and ~~(B)~~ submitting the copy of the resolution bearing the absentee vote to the secretary of the state finance council either before or not more than 10 days after the date of the meeting at which the motion was voted on. The secretary of the state finance council shall maintain each copy of a resolution bearing an absentee vote as part of the minutes and records of the meeting at which the motion on the resolution was voted on. The secretary shall indicate in the minutes of the meeting the name of each member voting in writing by absentee vote and the date on which the absentee vote was submitted to the secretary. If a particular matter requiring a unanimous vote receives the affirmative vote of each member of the state finance council attending the meeting and the affirmative absentee vote pursuant to this subsection of each member not attending the meeting, then the matter shall be deemed to have received the unanimous vote of all members of the state finance council.

(c) Whenever statutes provide for any matter to receive state finance council action, ~~the same such matter~~ shall be made a matter of business before ~~said such~~ council, if and only if the matter is characterized as a legislative delegation, and in other such cases the governor shall exercise the function specified for the state finance council by applying the guidelines and limitations of K.S.A. 75-3711c, and amendments thereto, or other legislative enactment enhancing or altering ~~the same such function~~.

New Sec. 14. The provisions of this act are severable. If any portion of the act is declared unconstitutional or invalid, or the application of any portion of the act to any person or circumstance is held unconstitutional or invalid, the invalidity shall not affect other portions of the act that can be given effect without the invalid portion or application, and the applicability of such other portions of the act to any person or circumstance shall remain valid and enforceable.";

Also on page 29, in line 23, by striking all after "K.S.A."; by striking all in lines 24 and 25; in line 26, by striking all before "are" and inserting "46-1201, 65-101 and 75-3711 and K.S.A. 2019 Supp. 48-925, as amended by section 4 of 2021 Senate Bill No. 14, and 48-925, as amended by section 5 of 2021 Senate Bill No. 14, and K.S.A. 2020 Supp. 48-924, as amended by section 2 of 2021 Senate Bill No. 14, 48-924b, as amended by section 3 of 2021 Senate Bill No. 14, 48-925a, as amended by section 6 of 2021 Senate Bill No. 14, 48-925b, 48-932, 48-939, 48-949 and 65-201";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 6; in line 7, by striking all before the second "and" and inserting

"governmental response to certain emergencies; prescribing powers, duties and functions of the board of education of each school district, the governing body of each community college and the governing body of each technical college related to the COVID-19 health emergency and establishing judicial review thereof; adding the vice president of the senate to the legislative coordinating council; modifying the procedure for the declaration and extension of a state of disaster emergency under the Kansas emergency management act; authorizing the legislative coordinating council and the legislature to take certain actions related to a state of disaster emergency; prohibiting certain actions by the governor related to the COVID-19 health emergency and revoking all executive orders related to such emergency on March 31, 2021; limiting powers granted to the governor during a state of disaster emergency; establishing judicial review for certain executive orders issued during a state of disaster emergency and certain actions taken by a local unit of government during a state of local disaster emergency; providing criminal penalties for a knowing violation of certain executive orders; adding 911 call center public safety telecommunicators and physician assistants to the definition of emergency responder; authorizing the legislature or the legislative coordinating council to revoke certain orders issued by the secretary of health and environment; limiting powers granted to local health officers related to certain orders and establishing judicial review thereof; amending K.S.A. 46-1201, 65-101 and 75-3711 and K.S.A. 2019 Supp. 48-925, as amended by section 4 of 2021 Senate Bill No. 14, and K.S.A. 2020 Supp. 48-924, as amended by section 2 of 2021 Senate Bill No. 14, 48-924b, as amended by section 3 of 2021 Senate Bill No. 14, 48-925a, as amended by section 6 of 2021 Senate Bill No. 14, 48-932, 48-939, 48-949 and 65-201"; in line 8, by striking "49-619" and inserting "2019 Supp. 48-925, as amended by section 5 of 2021 Senate Bill No. 14, and K.S.A. 2020 Supp. 48-925b";

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

FRED PATTON  
BRAD RALPH  
JOHN CARMICHAEL

*Conferees on part of House*

KELLIE WARREN  
RICHARD WILBORN  
ETHAN CORSON

*Conferees on part of Senate*

Senator Warren moved the Senate adopt the Conference Committee Report on **SB 40**.

Upon the showing of five hands a Call of the Senate was requested.

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

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Ryckman, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Baumgardner, Haley, Hilderbrand, Olson, Pyle, Steffen, Straub, Tyson.

Absent or Not Voting: Suellentrop.  
The Call was lifted.  
The Conference Committee Report was adopted.

## EXPLANATION OF VOTE

Mr. President: I vote "NO" because our failed pandemic response cost us individual liberties as never before. Allowing unelected officials and even elected officials to force shutdowns and interventions upon us individually and as a society accomplished nothing when compared to states that placed a premium on individual liberty. I pray that the pain experienced by Kansans is not lost to posterity secondary to politics.—MARK STEFFEN

Mr. President: Since the beginning of this pandemic, we have seen an escalating and prolonged suspension, and abridgment of many constitutional rights. True scientific evidence was overlooked in favor of public health edicts that shifted a number of times during this pandemic, based partially on the whims of unelected officials. Last June, we passed **HB 2016**, an important step forward in providing checks and balances and limitations on the governor's power as it relates to emergencies. **SB 40** does implement more checks and balances, providing due process, ensuring the buck stops with elected officials, preventing the closure of businesses and churches by the governor, and ending the current mandates on March 31st. Do I wish the bill would go further, absolutely! I believe the core responsibility of state government is to protect the liberty of the people, and do not believe any unit of government should be able to impose the lockdowns, restrictions, and mask mandates we have seen in the last year. At least this bill represents a step forward towards getting us back to normal, but I believe there will still need to be more work ahead. I vote "YES."—MIKE THOMPSON

Senators Erickson, Masterson and Peck request the record to show they concur with the "Explanation of Vote" offered by Senator Thompson on **SB 40**.

Mr. President: I reluctantly vote "NO" on the Conference Committee Report for **SB 40**; regarding the Kansas Emergency Management Act, a Kansas response to managing a global ("COVID-19") pandemic. The conference committee's considerable work to reach this Report's compromises is what causes my "NO" vote to be hesitant and, "regrettably" for they have done very well. I've been here in this Legislature longer than anyone in the Senate, through six (6) Gubernatorial (Graves; Sebelius; Parkinson; Brownback; Colyer; Kelly) administrations. Kansas has never before so needed to have an executive leader to be unrestrained to make unilateral, "universal" policies for the good of the whole; not fragmented, patchwork policies, when attempting through established best practices and protocols to reduce, quell, as expeditiously as possible, a viral pandemic which is so deadly. There is no doubt in my mind that this report is only to set parameters, indeed restrict a thoughtful, scientific-based Governor due to partisan reasons alone. I firmly believe that were our Governor a Republican that this Republican-dominated Legislature would affirm whatever plan(s) were presented without such "undue oversight." Plain irresponsible to play partisan politics with health and the lives of Kansans when we should collectively pull together behind executive leadership to support cohesive uniform policies.—DAVID HALEY

**COMMITTEE OF THE WHOLE**

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

On motion of Senator Baumgardner the following report was adopted:

Committee report on **SB 267** recommending **Sub SB 267** be adopted, be amended by motion of Senator Tyson; on page 30, following line 5, by inserting:

"(f) During the fiscal year ending June 30, 2021, notwithstanding the provisions of any statute, in addition to the other purposes for which expenditures may be made from the scrap metal theft reduction fee fund for fiscal year 2021 by the attorney general as authorized by chapter 5 of the 2020 Session Laws of Kansas, this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the attorney general from the scrap metal theft reduction fee fund for fiscal year 2021 to reimburse scrap metal dealers, as defined in K.S.A. 50-6,109, and amendments thereto, in the amount of \$1,000 for each year such scrap metal dealers paid registration fees under the scrap metal theft reduction act and such act was not operative and to reimburse such scrap metal dealers for the costs of fingerprinting any such scrap metal dealer prior to July 1, 2020.

(g) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,292,926 from the state general fund to the scrap metal theft reduction fee fund of the attorney general."

**Sub SB 267** be further amended by motion of Senator Tyson; on page 142, following line 2, by inserting:

"(s) During the fiscal year ending June 30, 2022, notwithstanding the provisions of K.S.A. 59-2968, and amendments thereto, or any other statute to the contrary:

(1) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds as authorized by this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by such agency from such moneys to lift the moratorium on admissions to each state psychiatric hospital, as defined by K.S.A. 59-2946, and amendments thereto; and

(2) no expenditures shall be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds by this or any other appropriation act of the 2021 regular session of the legislature to impose a moratorium on admissions to any state psychiatric hospital, as defined by K.S.A. 59-2946, and amendments thereto.

Sec. 81.

**KANSAS DEPARTMENT FOR  
AGING AND DISABILITY SERVICES**

(a) During the fiscal year ending June 30, 2023, notwithstanding the provisions of K.S.A. 59-2968, and amendments thereto, or any other statute to the contrary, no expenditures shall be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds by this or any other appropriation act of the 2021 or 2022 regular session of the legislature to impose a moratorium on admissions to any state psychiatric hospital, as defined by K.S.A. 59-2946, and amendments thereto.";

And by renumbering sections accordingly.

**Sub SB 267** be further amended by motion of Senator Tyson; on page 267, following line 34, by inserting:

"Sec. 136. (a) (1) In addition to the other purposes for which expenditures may be made by any state agency named in this or other appropriation act of the 2021 regular session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2022 as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2022 to implement and accomplish the following objectives on or before October 1, 2021, pursuant to K.S.A. 75-3718b, and amendments thereto:

(A) A program service inventory. Such inventory shall include, but not be limited to, the following:

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

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

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

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

(v) state matching or other federal financial requirements;

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

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

(B) An integrated budget fiscal process. Such process shall institute common accounting procedures consistent with budget development, budget approval, budget submission, through actual expenditures by fund.

(C) A performance based budgeting system. Such budgeting system shall include, but not be limited to, the following:

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

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

(2) On or before November 15, 2021, the division of post audit shall review each state agency's program service inventory, integrated budget fiscal process and performance based budgeting system and shall determine and certify whether such state agency is or is not meeting such objectives. If the legislative post auditor certifies that a state agency has not met the objectives, the legislative post auditor shall send a copy of such certification noting that the state agency has not met the objectives to the director of accounts and reports. Upon receipt of such certification, the director of accounts and reports shall lapse an amount equal to 2% of moneys appropriated or reappropriated for such state agency for the fiscal year ending June 30, 2022, by this or other appropriation act of the 2021 regular session of the legislature from the state general fund. At the same time that any certification is made by the legislative post auditor to the director of accounts and reports under this section, the legislative post auditor shall deliver a copy of such certification to the director of the budget and director of legislative research.

(b) (1) In addition to the other purposes for which expenditures may be made by any state agency named in this or other appropriation act of the 2021 or 2022 regular

session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2023 as authorized by this or other appropriation act of the 2021 or 2022 regular session of the legislature, expenditures shall be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2023 to implement and accomplish the following objectives on or before October 1, 2022, pursuant to K.S.A. 75-3718b, and amendments thereto:

(A) A program service inventory. Such inventory shall include, but not be limited to, the following:

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

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

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

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

(v) state matching or other federal financial requirements;

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

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

(B) An integrated budget fiscal process. Such process shall institute common accounting procedures consistent with budget development, budget approval, budget submission, through actual expenditures by fund.

(C) A performance based budgeting system. Such budgeting system shall include, but not be limited to, the following:

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

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

(2) On or before November 15, 2022, the division of post audit shall review each state agency's program service inventory, integrated budget fiscal process and performance based budgeting system and shall determine and certify whether such state agency is or is not meeting such objectives. If the legislative post auditor certifies that a state agency has not met the objectives, the legislative post auditor shall send a copy of such certification noting that the state agency has not met the objectives to the director of accounts and reports. Upon receipt of such certification, the director of accounts and reports shall lapse an amount equal to 2% of moneys appropriated or reappropriated for such state agency for the fiscal year ending June 30, 2023, by this or other appropriation act of the 2021 or 2022 regular session of the legislature from the state general fund. At the same time that any certification is made by the legislative post auditor to the director of accounts and reports under this section, the legislative post auditor shall deliver a copy of such certification to the director of the budget and director of legislative research.

(c) The following items are exempt from and shall not be lapsed pursuant to this section:

(1) Any item of appropriation or reappropriation from the state general fund for fiscal year 2022 or fiscal year 2023 for debt service for payments made pursuant to contractual bond obligations;

(2) any item of appropriation or reappropriation from the state general fund for

fiscal year 2022 or fiscal year 2023 for the Kansas department for children and families, division of health care finance of the department of health and environment, department of corrections or the Kansas department for aging and disability services that are required to meet caseload obligations under the state medicaid plan, including general medical expenditures under KanCare and non-KanCare expenditures included in the consensus caseload estimating process or for the Kansas department for children and families to meet caseload obligations for temporary assistance for needy families, foster care and reintegration services contracts or adoption services contracts, as certified by the director of the budget to the director of accounts and reports for the purposes of this subsection; and

(3) any item of appropriation or reappropriation from the state general fund for fiscal year 2022 or fiscal year 2023 for a postsecondary educational institution that has implemented the performance agreement pursuant to K.S.A. 74-3202d, and amendments thereto."

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

On roll call, the vote was: Yeas 18; Nays 16; Present and Passing 3; Absent or Not Voting 3.

Yeas: Alley, Baumgardner, Claeys, Erickson, Fagg, Gossage, Hilderbrand, Kloos, Masterson, Peck, Petersen, Ryckman, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Bowers, Corson, Dietrich, Faust-Goudeau, Francisco, Haley, Hawk, Holscher, Kerschen, Longbine, O'Shea, Olson, Pettey, Pittman, Sykes, Ware.

Present and Passing: Billinger, Holland, Pyle

Absent or Not Voting: Doll, McGinn, Suellentrop.

The amendment was adopted.

**Sub SB 267** be further amended by motion of Senator Pyle; on page 219, following line 2, by inserting:

"(f) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 by the adjutant general as authorized by this or other appropriation act of the 2021 regular session of the legislature, the adjutant general shall make expenditures from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 for the purposes of preparing a report detailing the numerical amount and itemized costs of all equipment and supplies relating to the COVID-19 health emergency purchased or received by the adjutant general in each of the fiscal years 2020, 2021 and year-to-date 2022 and a list of all entities that requested any such COVID-19 equipment and supplies and the numerical amount and itemized costs of such COVID-19 equipment and supplies actually received by such entities from the adjutant general in each of the fiscal years 2020, 2021 and year-to-date 2022: *Provided*, That such report shall specifically list and identify each item and shall not be listed by category: *Provided further*, That such report shall be filed with the secretary of the senate and the chief clerk of the house of representatives on or before January 1, 2022."

**Sub SB 267** be further amended by motion of Senator Pyle; on page 267, following line 34, by inserting:

"Sec. 136. During the fiscal years ending June 30, 2021, and June 30, 2022, after March 31, 2021, no state agency named in this or other appropriation act of the 2021

regular session of the legislature shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2021 and 2022 as authorized by chapter 5 of the 2020 Session Laws of Kansas, this or other appropriation act of the 2021 regular session of the legislature for the purposes of issuing or enforcing a statewide mask mandate unless the legislature expressly consents to, and approves of, a statewide mask mandate by an act of the legislature.";

And by renumbering sections accordingly

A ruling of the chair was requested as to the germaneness of the Pyle amendment. The chair ruled the amendment was germane to the bill.

**Sub SB 267** be further amended by motion of Senator Holland; on page 267, following line 34, by inserting:

"Sec. 136. (a) In addition to the other purposes for which expenditures may be made by any state agency named in this or other appropriation act of the 2021 regular session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures are hereby authorized and directed to be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 to enroll and actively participate in e-verify for verification of employment eligibility of all employees whose employment commences after January 1, 2022.

(b) During the fiscal year ending June 30, 2022, no state agency named in this or other appropriation act of the 2021 regular session of the legislature shall expend moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 as authorized by this or other appropriation act of the 2021 regular session of the legislature for such state agency as authorized by this or other appropriation act of the 2021 regular session of the legislature to:

(1) Award either a public works or a purchase contract for goods or services having a value of at least \$50,000 to a bidder, contractor or employer unless such bidder, contractor or employer verifies the employment eligibility of the employees of such bidder, contractor or employer through e-verify;

(2) authorize a bidder, contractor or employer to be eligible to bid for or receive either a public works contract or a purchase contract having a value of at least \$50,000 from any such state agency unless such bidder, contractor or employer certifies that such bidder, contractor or employer verifies the employment eligibility of the employees of such bidder, contractor or employer through e-verify; or

(3) authorize such bidder, contractor or employer who bids on or receives a contract referenced in either paragraph (1) or (2) to bid or receive a contract prior to ensuring that any subcontractor used by the bidder, contractor or employer in the performance of the public works contract or purchase contract having a value of at least \$50,000 certifies the employment eligibility of the employees of such subcontractor through e-verify.

(c) In addition to the other purposes for which expenditures may be made by any state agency named in this or other appropriation act of the 2021 or 2022 regular session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023 as authorized by this or other appropriation act of the 2021 or 2022 regular session of the legislature, expenditures are

hereby authorized and directed to be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023 to enroll and actively participate in e-verify for verification of employment status of all employees whose employment commences during fiscal year 2023.

(d) During the fiscal year ending June 30, 2023, no state agency named in this or other appropriation act of the 2021 or 2022 regular session of the legislature shall expend moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023 as authorized by this or other appropriation act of the 2021 or 2022 regular session of the legislature for such state agency as authorized by this or other appropriation act of the 2021 or 2022 regular session of the legislature to:

(1) Award either a public works or a purchase contract for goods or services having a value of at least \$50,000 to a bidder, contractor or employer unless such bidder, contractor or employer verifies the employment eligibility of the employees of such bidder, contractor or employer through e-verify;

(2) authorize a bidder, contractor or employer to be eligible to bid for or receive either a public works contract or a purchase contract having a value of at least \$50,000 from any such state agency unless such bidder, contractor or employer certifies that such bidder, contractor or employer verifies the employment eligibility of the employees of such bidder, contractor or employer through e-verify; or

(3) authorize such bidder, contractor or employer who bids on or receives a contract referenced in either paragraph (1) or (2) to bid or receive a contract prior to ensuring that any subcontractor used by the bidder, contractor or employer in the performance of the public works contract or purchase contract having a value of at least \$50,000 certifies the employment eligibility of the employees of such subcontractor through e-verify.

(e) As used in this section:

(1) "Employee" means any person who performs employment services for an employer pursuant to an employment relationship between the employee and the employer.

(2) "Employer" means any individual or type of organization that transacts business in this state and that employs one or more individuals who perform employment services in this state.

(3) "E-verify" means an electronic system jointly administered by the United States department of homeland security and the social security administration or its successor program, pursuant to 8 U.S.C. § 1324a, that is used to verify the employment authorization of employees.";

And by renumbering sections accordingly, and **Sub SB 267** be passed as amended.

A motion by Senator Hawk to further amend **Sub SB 267** failed and the following amendment was rejected; on page 148, following line 34, by inserting :

"Supplemental state aid (652-00-1000-0840).....\$2,548,000";

On page 154, in line 18, by subtracting \$225,837,738 from the dollar amount and by adjusting the dollar amount in line 18 accordingly; by striking all in lines 19 through 23; by striking all in lines 39 through 43;

On page 155, by striking all in line 1;

And by relettering subsections accordingly;

Also on page 155, in line 6, by adding \$312,451,242 to the dollar amount and by adjusting the dollar amount in line 6 accordingly; in line 9, before the period, by inserting ": *Provided further*, That expenditures shall be made by the above agency from the state foundation aid account to distribute the high-density at-risk student weighting to qualifying school districts: *And provided further*, That the high-density at-risk student weighting of a school district shall be the greater of the amounts calculated for such school district pursuant to the following two paragraphs: (1) (A) For a school district with an enrollment of at least 35% at-risk students but less than 50% at-risk students: (i) Subtract 35% from the percentage of at-risk students included in the enrollment of the school district; (ii) multiply such difference by 0.7; and (iii) multiply such product by the number of at-risk students included in the enrollment of the school district; or (B) for a school district with an enrollment of 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of the school district by 0.105; or (2) (A) for any school in a school district with an enrollment of at least 35% but less than 50% at-risk students: (i) Subtract 35% from the percentage of at-risk students included in the enrollment of such school; (ii) multiply such difference by 0.7; and (iii) multiply such product by the number of at-risk students included in the enrollment of such school; or (B) for any school in a school district with an enrollment of 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of such school by 0.105; and (C) add the amounts determined pursuant to this paragraph for each such school in the school district: *And provided further*, That any school district that qualifies to receive the high-density at-risk student weighting shall spend any moneys attributable to such school district's high-density at-risk student weighting on the at-risk best practices developed by the state board pursuant to K.S.A. 72-5153(d), and amendments thereto: *And provided further*, That if a school district that qualifies for the high-density at-risk student weighting does not spend such moneys on such best practices, the state board shall notify the school district that it shall either spend such moneys on such best practices or shall show improvement within five years of notification: *And provided further*, That improvement shall include, but not be limited to, the following: The percentage of students at grade level on state math and English language arts assessments; the percentage of students that are college and career ready on state math and English language arts assessments; the average composite ACT score; or the four-year graduation rate: *And provided further*, That if a school district does not spend such moneys on such best practices and does not show improvement within five years, the school district shall not qualify to receive the high-density at-risk student weighting in the succeeding school year."; in line 10, by adding \$20,700,000 to the dollar amount and by adjusting the dollar amount in line 10 accordingly.

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

On roll call, the vote was: Yeas 17; Nays 20; Present and Passing 1; Absent or Not Voting 2.

Yeas: Bowers, Corson, Dietrich, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Kloos, Longbine, McGinn, O'Shea, Pettey, Pittman, Sykes, Ware.

Nays: Alley, Baumgardner, Claeys, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Masterson, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Present and Passing: Billinger.

Absent or Not Voting: Doll, Suellentrop.

A motion by Senator Hilderbrand to further amend **SB 267** failed and the following amendment was rejected; on page 267, following line 34, by inserting:

"Sec. 136. (a) Except as provided in subsection (c), on July 1, 2021, of each amount appropriated for a state agency for the fiscal year ending June 30, 2022, by chapter 5 of the 2020 Session Laws of Kansas, this act or other appropriation act of the 2021 regular session of the legislature from the state general fund, the sum equal to 3% of such appropriation that is not exempt is hereby lapsed.

(b) Except as provided in subsection (c), on July 1, 2021, of each amount reappropriated for a state agency for the fiscal year ending June 30, 2022, by chapter 5 of the 2020 Session Laws of Kansas, this act or other appropriation act of the 2021 regular session of the legislature from the state general fund, the sum equal to 3% of such reappropriation that is not exempt is hereby lapsed.

(c) The following items are exempt from and shall not be lapsed pursuant to this section:

(1) Any item of appropriation or reappropriation from the state general fund for fiscal year 2022 for debt service for payments made pursuant to contractual bond obligations; and

(2) any item of appropriation or reappropriation from the state general fund for fiscal year 2022 for the following state agencies: Department of corrections, adjutant general, state fire marshal, Kansas highway patrol, attorney general - Kansas bureau of investigation, emergency medical services board, Kansas sentencing commission and Kansas commission on peace officers' standards and training;

(3) any item of appropriation or reappropriation from the state general fund for fiscal year 2022 for the Kansas state school for the deaf, Kansas state school for the blind and the department of education; and

(4) any item of appropriation or reappropriation from the state general fund for fiscal year 2022 for the Kansas department for children and families, division of health care finance of the department of health and environment, department of corrections or the Kansas department for aging and disability services that are required to meet caseload obligations under the state medicaid plan, including general medical expenditures under KanCare and non-KanCare expenditures included in the consensus caseload estimating process, or for the Kansas department for children and families to meet caseload obligations for temporary assistance for needy families, foster care and reintegration services contracts or adoption services contracts, as certified by the director of the budget to the director of accounts and reports for the purposes of this subsection. At the same time that any certification is made by the director of the budget to the director of accounts and reports under this section, the director of the budget shall deliver a copy of such certification to the director of legislative research.";

And by renumbering remaining sections accordingly.

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

On roll call, the vote was: Yeas 14; Nays 19; Present and Passing 3; Absent or Not Voting 4.

Yeas: Alley, Baumgardner, Erickson, Gossage, Hilderbrand, Olson, Peck, Petersen, Pyle, Steffen, Straub, Thompson, Tyson, Warren.

Nays: Bowers, Corson, Dietrich, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, McGinn, O'Shea Pittman, Ryckman, Sykes, Ware.

Present and Passing: Billinger, Claeys, Wilborn.

Absent or Not Voting: Doll, Masterson, Petty, Suellentrop.

A motion by Senator Thompson to further amend **Sub SB 267** was withdrawn.

A motion by Senator Pyle to further amend **Sub SB 267** failed.

## REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2155** be passed.

Also, recommends **HB 2172**, as amended by House Committee of the Whole, be passed.

Committee on **Education** recommends **SB 208** be amended on page 3, in line 19, by striking all after "(c) (1)"; by striking all in lines 20 through 31; in line 32, by striking all before "The"; in line 34, by striking "and the timely resolution of any disputes"; in line 39, by striking "and the timely resolution of any disputes"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2227**, as amended by House Committee, be passed.

Also, **HB 2078**, as amended by House Committee, be amended on page 3, in line 19, by striking "2024" and inserting "2023"; in line 33, after "(1)" by inserting "The office of judicial administration shall prepare and submit a report to the senate standing committee on judiciary and the house of representatives standing committee on judiciary on or before January 17, 2022, and January 16, 2023, containing the following information disaggregated by judicial district:

(1) The number of pending criminal cases on January 1, 2022, and January 1, 2023, respectively;

(2) the number of criminal cases resolved during fiscal years 2021 and 2022, respectively, and the method of disposition in each case;

(3) the number of jury trials conducted in criminal cases during fiscal years 2021 and 2022, respectively; and

(4) the number of new criminal cases filed in fiscal years 2021 and 2022, respectively.

(m)";

On page 1, in the title, in line 3, after the second semicolon by inserting "requiring the office of judicial administration to prepare and submit a report to the legislature in 2022 and 2023;"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2254**, as amended by House Committee, be amended on page 1, in line 25, after the second "and" by inserting "on and after July 1, 2021,,"; in line 26, after the period by inserting "On July 1, 2022, and each July 1 thereafter, such amount shall be increased in an amount equal to the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor."; following line 31, by inserting:

"Sec. 2. K.S.A. 65-1762 is hereby amended to read as follows: 65-1762. (a) The licensed crematory operator in charge shall supervise the licensed crematory on a full-time or a part-time basis and perform such other duties relating to the supervision of a licensed crematory as prescribed by the board by rules and regulations. The crematory operator in charge of a licensed crematory—~~must~~ shall hold a Kansas crematory

operator's license. Additionally, a crematory operator in charge ~~must~~ shall hold a funeral director's license unless the crematory only receives dead human bodies for cremation through licensed funeral establishments or branch funeral establishments.

(b) Only licensed crematory operators may perform cremation.

(c) No crematory operator or crematory operator in charge shall cremate or cause to be cremated any dead human body until it has received:

(1) A cremation authorization form signed by an authorizing agent. The written authorization shall include:

(A) The identity of the dead human body and the time and date of death;

(B) the name of the funeral director or assistant funeral director and the funeral establishment or branch establishment, or the authorizing agent, that obtained the cremation authorization;

(C) notification as to whether the cause of death occurred from a disease declared by the department of health and environment to be infectious, contagious, communicable or dangerous to the public health;

(D) the name of the authorizing agent and the relationship between the authorizing agent and the decedent;

(E) authorization for the crematory to cremate the dead human body;

(F) a representation that the dead human body does not contain a pacemaker or any other material or implant that may be potentially hazardous or cause damage to the cremation chamber or the person performing the cremation;

(G) the name of the person authorized to receive the cremated remains from the crematory; and

(H) the signature of the authorizing agent, attesting to the accuracy of all representations contained on the cremation authorization form; and

(2) a completed and executed coroner's permit to cremate, ~~as is provided in if required by~~ K.S.A. 65-2426a, and amendments thereto, indicating that the dead human body is to be cremated.

Sec. 3. K.S.A. 65-2426a is hereby amended to read as follows: 65-2426a. ~~(a)(1)~~ No dead body, ~~as such term is defined in subsection (f) of~~ K.S.A. 65-2401, and amendments thereto, shall be cremated unless a coroner's permit to cremate has been ~~furnished~~ executed to authorize such cremation, if the death or cause of death occurred within the state of Kansas or in a state where such permit to cremate is required.

(2) A telefacsimile or electronic signed copy of the coroner's permit to cremate ~~which that~~ authorizes the cremation shall constitute legal authorization for such cremation under this section.

(b) The provisions of this section shall be ~~construed as a part of and~~ supplemental to and as a part of the uniform vital statistics act.

(c) Any person who knowingly violates this section, upon conviction, shall be fined not more than \$500.";

Also on page 1, in line 32, before "K.S.A" by inserting "K.S.A. 65-1762, 65-2426a and 65-2429 and"; also in line 32, by striking "is" and inserting "are";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "arrangements" and inserting "preparations"; in line 3, after the semicolon by inserting "relating to preparation of bodies for a funeral or cremation; removing the requirement to provide a permit to cremate in certain circumstances; authorizing electronic permits to cremate;"; also in

line 3, after "amending" by inserting "K.S.A. 65-1762 and 65-2426a and"; in line 4, by striking "section" and inserting "sections; also repealing K.S.A. 65-2429"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2007** be amended on page 7, in line 11, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Also, **HB 2014**, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Utilities** recommends **HB 2145** be passed.

Committee on **Ways and Means** recommends **SB 145; HB 2270** be passed.

### **REPORT ON ENROLLED BILLS**

**SB 13** reported correctly enrolled, properly signed and presented to the Governor on March 16, 2021.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Wednesday, March 17, 2021.

# Journal of the Senate

FORTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 17, 2021, 2:30 p.m.

The Senate was called to order by President Ty Masterson.

The roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

Going To God In Prayer; The Power of Interceding For Others!

1 Timothy 2:1-4; Acts 12:1-3, 5-7, 12; Ecclesiastes 4:9

Heavenly Father, as we gather today, we're in a significant battle for our freedoms. So, an ever increasing necessity for us is to understand the need for fervent prayer. Your Word declares, in 1 Timothy 2:1-4, that public servants in positions of authority, must be prayed for, so that a peaceful and calm Godliness may prevail.

Lord, in Acts 12:5-7, freedom for Your people was in grave danger. Peter, leader of the Apostles, was in chains and hopelessly imprisoned. But Your people prayed for Peter. You honored their combined prayers. That chain of prayers, coming from Your people, was heard by You. You released Peter from his chains so he could more effectively serve You and Your people.

Lord, please reproduce that scenario right here. If any one of us is wearing shackles of any kind, that hinder us from more effectively serving You and Your people, then remind us of the need for and the power of praying for one another. Keep us mindful of the increased energy principle, found in Ecclesiastes 4:9, where two praying together are better than one and the synergy of three increases the power of prayer exponentially.

And Lord, let not one of us be so careless or non-committal in linking the chain of our prayers together that any of us become the weakest link. Help us to be strong together and together strong. And in the same way that it happened with Peter, as we pray for each other, we'll see freedom prevail and the chains of bondage falling from us.

I thank You Lord, for the combined effect of our praying for one another. In the Name of Christ Jesus, Amen!

The Pledge of Allegiance was led by President Masterson.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 299**, AN ACT concerning the state banking board; increasing the compensation of members; amending K.S.A. 74-3005 and K.S.A. 2020 Supp. 9-815 and repealing the existing sections, by Committee on Ways and Means.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Commerce: **HB 2219**.

Education: **HB 2287**.

Public Health and Welfare: **SB 298**.

**MESSAGES FROM THE GOVERNOR**

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

March 1, 2021

*Member, KU Hospital Authority*, Mark Uhlig, Leawood, (R), pursuant to the authority vested in me by K.S.A. 76-3304, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed himself.

March 2, 2021

*Secretary, Kansas Department of Labor*, Amber Shultz, Lawrence, (D), pursuant to the authority vested in me by the K.S.A. 75-5701 and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Delia Garcia.

March 4, 2021

*Member, State Civil Service Board*, Tom Phillips, Manhattan, (R), pursuant to the authority vested in me by K.S.A. 75-2929a, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed Allen Clark Schmidt.

*Member, State Civil Service Board*, Sheryl Gilchrist, Topeka, (R), pursuant to the authority vested in me by K.S.A. 75-2929a, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed herself.

**COMMUNICATIONS FROM STATE OFFICERS**

December 29, 2020

Office of the Attorney General, Derick Schmidt: Pursuant to K.S.A. 74-7303, I am appointing Becky Dickinson as a member of the Crime Victims Compensation Board to fill the unexpired four-year term to the vacant position previously held by Nan Porter that expires on March 15, 2021.

January 6, 2021

Kansas Insurance Commissioner, Vicki Schmidt: Pursuant to K.S.A. 2020 Supp 75-6301, I am appointing Daniel Klucas as Kansas Securities Commissioner for a term to expiring January 15, 2025 in a new position to serve at the pleasure of the Commissioner of Insurance.

January 19, 2021

Office of the Attorney General, Derick Schmidt: Pursuant to K.S.A. 75-7427(b)(2) (A) I hereby appoint Steven D. Anderson to serve as Medicaid Inspector General for a term expiring on January 15, 2025.

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2021; Sub HB 2094; HB 2248, HB 2339.**

Announcing the failure of **SB 235.**

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2021, HB 2094, HB 2248, HB 2339** were thereupon introduced and read by title.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**Sub SB 267**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 75-6702 and 75-6706 and K.S.A. 2020 Supp. 2-223, 12-1775a, 12-5256, 55-193, 72-5462, 74-50,107, 74-99b34, 75-2263, 75-6707, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 24; Nays 13; Present and Passing 3; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pyle, Ryckman, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Baumgardner, Corson, Doll, Francisco, Haley, Holscher, Peck, Pettey, Pittman, Steffen, Straub, Sykes, Ware.

Present and Passing: Faust-Goudeau, Hawk, Holland.

The substitute bill passed, as amended.

**EXPLANATION OF VOTE**

Mr. President: I vote "PASS" on **Substitute for SB 267**. This vote is both a reluctant pass and an optimistic hope for a much better budget bill during Omnibus. The Governor and state agencies gave us a sustainable budget with several cuts reflecting the difficult times we are facing. To make that budget balance, the Governor included several budget relief tools. To date in the Senate we have passed only one, the "Market Place Facilitator". To further complicate our budget outlook, the Senate passed a \$478.3M tax cut in **SB 22**. That complicates the additional spending in **Sub SB 267** with \$56.7M beyond the Governor and agency recommendations. My optimistic hope for this budget process is in what I have seen in past years with the Conference Committee process, the give and take and the final considerations in Omnibus. We do have a serious problem to fix in that we cut \$235.8M from our mandated school finance obligation based on the hope that the new federal funds could be used to fund that. There is legitimate concern that those new ARP/CARES funds cannot be used and would be considered supplanting necessary state funding. I will trust in the process, hope that the initial profile of a negative \$78.2M balance can be fixed and that working with all legislators and the Governor, we can craft a final responsible, sustainable budget for the people of Kansas.—TOM HAWK

Senator Faust-Goudeau requests the record to show she concurs with the "Explanation of Vote" offered by Senator Hawk on **Sub SB 267**.

Mr. President: I vote "AYE" on this legislation in support of amendments that were adopted, most emphatically in support of the language ending the mask mandate!—  
DENNIS PYLE

Mr. President: This budget is not balanced nor sustainable. When we consider budgets, we must always prioritize the need to protect our state's future and be fiscally responsible. We cannot pay for tax cuts for giant multinational corporations, keep the lights on and keep our state running, and operate with a positive balance under this proposed budget. Furthermore, this budget punts our constitutional obligation to fund our schools. One-time federal funds during a pandemic do not a finance formula make. It is irresponsible to set a precedent wherein we choose not to appropriate funds for our public schools because we hope we can shore up money elsewhere. This will land us in court, and this will cost our state money and hurt our kids. I vote "NO."—DINAH SYKES

Senators Corson and Haley request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **Sub SB 267**.

On motion of Senator Alley, the Senate recessed until the sound of the gavel.

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## COMMITTEE OF THE WHOLE

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

On motion of Senator Claeys the following report was adopted:

**HB 2227** be passed.

**Sub HB 2066** be amended by motion of Senator Hilderbrand; on page 9, in line 19, by striking "statute book" and inserting "Kansas register", and **Sub HB 2066** be passed as amended.

A motion by Senator Hawk to amend **Sub HB 2066** failed and the following amendment was rejected; on page 7, in line 32, after "engineering" by inserting "or architecture"; in line 33, after "engineering" by inserting "or architecture".

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

On roll call, the vote was: Yeas 16; Nays 17; Present and Passing 3; Absent or Not Voting 4.

Yeas: Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holscher, Kloos, McGinn, O'Shea, Pettey, Pittman, Steffen, Sykes, Ware.

Nays: Alley, Bowers, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Longbine, Masterson, Peck, Petersen, Ryckman, Straub, Suellentrop, Thompson, Tyson, Wilborn.

Present and Passing: Baumgardner, Claeys, Warren.

Absent or Not Voting: Billinger, Holland, Olson, Pyle.

**SB 208; HB 2078** be amended by the adoption of the committee amendments, and the bills be passed as amended.

An amendment was offered by Senator Corson. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

**SB 37** be amended by the adoption of the committee amendments, be further amended by motion of Senator Peck; on page 8, following line 17, by inserting:

"(7) (A) A licensed insurance agent who is a member of the national guard or any reserve component of the armed services of the United States who serves on active duty for at least 90 consecutive days shall be exempt from the requirement to obtain C.E.C.s during the time that such insurance agent is on active duty.

(B) The commissioner shall grant an extension to any licensed insurance agent described in subparagraph (A) until the biennial due date that occurs in the year next succeeding the year in which such active duty ceases."

**SB 37** be further amended by motion of Senator Peck; on page 8, in line 9, by striking all after "report"; in line 10, by striking all before "shall" and inserting "and", and **SB 37** be passed as further amended.

A motion by Senator Peck to amend **SB 37** failed and the following amendment was rejected; on page 8, following line 17, by inserting:

"(7) A licensed insurance agent who is an individual and who has been licensed continuously for at least 25 years immediately preceding January 1, 2022, shall be exempt from the requirement to obtain C.E.C.s."

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

On roll call, the vote was: Yeas 16; Nays 19; Present and Passing 4; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Claeys, Doll, Fagg, Masterson, Peck, Petersen, Pittman, Pyle, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Bowers, Corson, Dietrich, Francisco, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, McGinn, O'Shea, Olson, Pettey, Ryckman, Steffen, Sykes, Ware.

Present and Passing: Erickson, Faust-Goudeau, Gossage, Hilderbrand.

Absent or Not Voting: Billinger.

The substitute bill passed, as amended.

A motion by Senator Gossage to amend **SB 37** failed.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Alley an emergency was declared by a 2/3 constitutional majority, and **SB 37, SB 208; Sub HB 2066; HB 2078, HB 2227** were advanced to Final Action and roll call.

**SB 37**, AN ACT concerning insurance; relating to producer licensing requirements; agent conduct; pertaining to examinations; fees; renewal dates; suspension, revocation or denial of licensure; licensure renewal; amending K.S.A. 2020 Supp. 40-241, 40-4902, 40-4903, 40-4905, 40-4909, 40-4912, 40-4915, 40-5505 and 40-5512 and repealing the existing sections.

On roll call, the vote was: Yeas 31; Nays 6; Present and Passing 2; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Ryckman,

Suellentrop, Sykes, Tyson, Ware, Wilborn.

Nays: Gossage, Peck, Steffen, Straub, Thompson, Warren.

Present and Passing: Hilderbrand, Pyle.

Absent or Not Voting: Billinger.

The bill passed, as amended.

**SB 208**, AN ACT concerning education; relating to student athletes; creating the fairness in women's sports act; restricting participation on women's teams to female students; providing a cause of action for violations.

On roll call, the vote was: Yeas 24; Nays 10; Present and Passing 5; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Bowers, Claeys, Erickson, Fagg, Gossage, Hilderbrand, Kersch, Kloos, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Dietrich, Faust-Goudeau, Francisco, Hawk, Holland, Holscher, Pettey, Sykes, Ware.

Present and Passing: Doll, Haley, Longbine, McGinn, Pittman.

Absent or Not Voting: Billinger.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. President: I believe in old fashioned chivalry and standing up for God's special creation – females. I vote "YES" on **SB 208**. I have a 14-year-old granddaughter. Hannah; this one's for you. And I have a 20-year-old granddaughter. Libbi; this one's for you. Libbi is expecting and will give birth to my first great-grandchild – a girl – in the next 50 days. Baby Jabben, this one's for you.—VIRGIL PECK

Mr. President: The state of Kansas has an organization, KSHSAA, the Kansas State High School Activities Association, that provides guidelines for participation in secondary sports in Kansas. KSHSAA has guidelines for Transgender students to participate in sports. **SB 208** is creating a problem and opening the door to discrimination and bullying of our Kansas students from K-12. I vote "NO" for **SB 208**.—PAT PETTEY

Senators Francisco and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **SB 208**.

Mr. President: We made good progress for the good of Kansas with earlier bills we passed today, bills that position our state for future military investment and economic development. I came to Topeka as a businessman, to use my skills to help Kansas, not to have government step in to unnecessarily regulate our citizens' social lives. **SB 208** is an unnecessary bill in search of a problem. Our athletic organizations have appropriate rules in place. If there were a demonstrated problem, we should address it in a way that is constructive and takes appropriate steps that help all youth be the best they could be. But I feel, unfortunately, this is a punitive bill targeted towards at-risk youth and not a real solution that I can truly support at this time. I do not feel we should even be discussing this bill as it exists and so I actively choose to pass at this time.—JEFF PITTMAN

Mr. President: Treating humans with dignity and respect is the right thing to do. This bill is built on a lie that the biggest threat to women's sports and happiness is transgender folks. It is built on a lie that biological gender is simple and we understand the science that says that it isn't as simple as some want it to be. It is built on a premise and a problem that hasn't and isn't occurring. I vote NO.—DINAH SYKES

Senator Francisco requests the record to show she concur with the "Explanation of Vote" offered by Senator Sykes on **SB 208**.

**Sub HB 2066**, AN ACT concerning occupational regulation; relating to occupational licenses for certain applicants; temporary emergency licenses; electronic credentials; amending K.S.A. 2020 Supp. 48-3406 and repealing the existing section.

On roll call, the vote was: Yeas 36; Nays 2; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Hawk, Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Haley, Holland.

Present and Passing: Francisco.

Absent or Not Voting: Billinger.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. President: This bill effects many licensed occupations in Kansas. I understand that many licensing bodies are concerned that their ability to deny an application for licensure will be limited by this bill. It is critical that every applicant complies with the underlying laws governing each occupational license. I fully support this bill. My understanding of the bill, after conferring with the Revisor, is that each licensing body retains the discretion to determine if the applicant's credential, private certification, or work experience falls in the similar scope of practice as the Kansas licensed profession. Per subsection (m) this determination would be subject to any state law defining such scope of practice. Subsection (h) requires the licensing body to issue a temporary permit in such instances if the applicant is a military service member or spouse unless doing so would jeopardize public health and safety (which is also determined by the licensing body.) Subsection (i) authorizes the licensing body to issue a temporary permit in such instances to any other applicant, but the licensing body is not required to do so. Based on this analysis, I vote "YES" on **Sub HB 2066**.—BRENDA DIETRICH

Mr. President: I vote "NO" on **Sub HB 2066**. While I support the military spouse provisions of this bill, I cannot support how the bill unjustly favors out-of-state civilian workers with lesser experience over unemployed and underemployed Kansans who possess the appropriate licenses/credentials. Make no mistake, this bill will erode wages for those licensed Kansas professionals who will now be forced to compete on an unlevel playing field.—TOM HOLLAND

**HB 2078**, AN ACT concerning criminal procedure; relating to discharge of persons not brought promptly to trial; suspension of statutory deadlines; providing guidelines for prioritizing trials; requiring the office of judicial administration to prepare and

submit a report to the legislature in 2022 and 2023; amending K.S.A. 2020 Supp. 22-3402 and repealing the existing section.

On roll call, the vote was: Yeas 32; Nays 7; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Ryckman, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Hilderbrand, Holland, Peck, Pyle, Steffen, Straub, Tyson.

Absent or Not Voting: Billinger.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. President: **HB 2078** puts a temporary stop on our Kansas statute on speedy trial. I believe we should not be delaying our citizens right to a trial just because of backlog. As an example, the military judicial system has adjusted to the pandemic with strict procedures and protective equipment to execute appropriately timed justice. I believe our judiciary should be obligated to do what it could do to ensure our state's expectations on one of our constitutional rights. However, we are where we are with the pandemic and we have serious criminals who pose a serious risk to society that cannot be set free by a technicality, so I appreciate the amendments our body has made to limit this hiatus on one of our sacred rights to two years.—JEFF PITTMAN

**HB 2227**, AN ACT concerning courts; relating to orders issued by the chief justice to secure health and safety during a disaster emergency; suspension of deadlines or time limitations; authorizing suspension during a state of local disaster emergency; suspension of verification requirements under the revised Kansas code for the care of children; use of electronic audio-visual communication to expeditiously resolve pending cases; amending K.S.A. 2020 Supp. 20-172 and repealing the existing section.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Ryckman, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Hilderbrand, Pyle, Steffen, Straub, Tyson.

Absent or Not Voting: Billinger.

The bill passed.

#### REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2126**, as amended by House Committee, be passed.

Committee on **Local Government** recommends **HB 2178** be amended on page 1, in line 5, before "Section" by inserting "New"; following line 9, by inserting:

"New Sec. 2. Any owner of land aggrieved by the decision of the city governing body under the provisions of K.S.A. 12-505, 13-443, 14-423 and 15-427, and amendments thereto, within 30 days following the publication of the vacation

ordinance, may bring an action in district court challenging the reasonableness of such decision.

Sec. 3. K.S.A. 12-504 is hereby amended to read as follows: 12-504. ~~Whenever the governing body of the city in which any of the following are located or whenever (a) The owner or owners of: (1) Any townsite or part of a townsite, or of: (2) any addition or part of an addition to any city, or the governing body in which the following are located, or the owner or owners of (3) the lands adjoining on both sides of any street, alley or public reservation such as, but not limited to public easements, dedicated building setback lines, access control, or a part thereof, in any city or any addition thereto, that desires to have the same any townsite or part thereof, any addition or part thereof, or public easements, building setback lines, access control or part thereof vacated, or that desires to exclude any farming lands or unplatted tracts, or any addition or part of an addition to be vacated hereunder, from the boundaries of the city wherein situated, shall petition the governing body of such city or the city planning commission shall and request a public hearing on the issues. The governing body shall give public notice of the same of such request by a publication in a newspaper of general circulation in the vicinity of such place sought to be vacated or excluded or in the official city newspaper in which is situated the place, tract or tracts, street, alley, or public reservation sought to be vacated or excluded, if there is any such newspaper published therein and shall designate whether the hearing will be conducted by the governing body or the planning commission. Such The notice shall be published at least one time at least 20 days prior to the date of the hearing. Such The notice shall state that a petition has been filed in the office of the city clerk praying for requesting such vacation or exclusion, or both, describing the property fully, and that on a certain date after the completion of such publication notice, naming the day on which the petition will be presented to the governing body of the city or the city planning commission for a hearing thereon, and that at such time and place. The notice shall specify whether the hearing is to be held before the governing body or the planning commission. All interested persons interested can appear and shall be given an opportunity to be heard under on the petition.~~

(b) Any city may initiate the deannexation of land from the city by following the notice and public hearing process established in subsection (a). The hearing shall be held before the city governing body.

(c) A city may initiate the vacation of any public reservation by following the notice and public hearing process established in subsection (a). The hearing shall be held before the city governing body.

Sec. 4. K.S.A. 12-505 is hereby amended to read as follows: 12-505. (a) (1) Upon the presentation of such the petition, as hereinbefore provided for, to the governing body of the city or planning commission, the governing body or planning commission shall proceed to hear the same petition, or may adjourn the hearing from time to time to some day and hour certain, as deemed necessary, and which adjournment shall be noted upon the record of the proceedings thereof as provided in the notice. On the day of the hearing of such petition, the governing body or planning commission shall hear such testimony as may be produced before it, and such other testimony as required in order to fully understand the true nature of the petition and on the propriety of granting the same petition. If the planning commission holds the hearing, the commission shall make a recommendation regarding the vacation and submit such recommendation to the

governing body in the same manner provided by K.S.A. 12-752, and amendments thereto, for the submission and approval of recommendations regarding plats. ~~Subject to the provisions of subsection (b),~~

(2) ~~If the governing body or planning commission determines from the proofs and evidence presented that due and legal notice has been given by publication as required in this act, and, that no private rights will be injured or endangered by such vacation or exclusion, and that the public will suffer no loss or inconvenience thereby, and that in justice to the petitioner or petitioners the prayer request of the petitioner ought to be granted, the governing body shall enact an ordinance containing the order that such vacation or exclusion, or both, be made. Any order approving a vacation of plat, street, alleys, easements or a public reservation shall provide for the reservation to the city and the owners of any lesser property rights for public utilities, rights-of-ways and easements for public service facilities originally held in such plat, street, alley, easement or public reservation then in existence and use.~~

(3) ~~The petition shall not be granted if a written objection thereto is filed with the city clerk, at the time of or before the hearing, by any owner or adjoining owner who would be a proper party to the petition but has not joined therein. When only a portion of a street, alley or public reservation is proposed to be vacated, the petition shall not be granted if a written objection is filed with the clerk of the governing body by any owner of lands which that adjoin the portion to be vacated.~~

(b) ~~If within two years following the effective date of the annexation of any tract pursuant to K.S.A. 12-520c, and amendments thereto, and upon petition of the owner of any such tract, the governing body of the city shall exclude such tract if the owner reimburses the city for all costs incurred by the city in the extension of services to such tract, together with interest on the amount of such costs at a rate provided by K.S.A. 16-201, and amendments thereto. The owner shall be required to pay only those costs which are attributable to services which exclusively benefit such tract.~~

~~The provisions of this subsection shall apply only to a tract which is under one ownership on the date the petition for exclusion is filed by the owner thereof with the city governing body, and which will not adjoin the city on the effective date of its exclusion from the city.~~

~~The terms "tract" and "owner" in this subsection shall have the same meaning ascribed thereto in K.S.A. 12-519, and amendments thereto.~~

~~The provisions of this subsection shall expire on December 31, 1997.~~

(c) ~~Any lands so excluded pursuant to this section shall be listed for future taxation the same as though it the lands had never been a part of such city, and which order shall be entered at length on the records of the proceedings of the governing body. Thereupon The city clerk shall certify a copy of such ordinance containing the order to the register of deeds of the county in which such property is located. The register of deeds shall record in the deed records of the county at the expense of the petitioner or petitioners, and the register of deeds shall also write on the margin of the recorded plat of such townsite or addition, the words "canceled by order" or "canceled in part by order," as the case may be, giving reference thereon to the page and book of records where such the ordinance containing the order is recorded in the register's office.~~

Sec. 5. K.S.A. 12-504 and 12-505 are hereby repealed.;

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after "of" by inserting "territory, easements or";

also in line 1, by striking all after "blocks"; in line 2, by striking all before the period and inserting "; providing procedures to challenge certain decisions of a city; amending K.S.A. 12-504 and 12-505 and repealing the existing sections"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 295** be passed.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Thursday, March 18, 2021.

# Journal of the Senate

FORTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, March 18, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.  
The roll was called with 37 senators present.  
Senators Faust-Goudeau, O'Shea and Ware were excused.  
Invocation by Reverend Cecil T. Washington:

United In Prayer; Giving and Receiving Forgiveness!  
Matthew 18:20; Matthew 6:9-15; Luke 11:1-4, 17, 23

I don't know if anyone has noticed, but God has me promoting more togetherness in prayer. The environment, the Lord has promised to bless, is the environment of unity. He says "where two or three gather together as My followers, I am there among them." (Matthew 18:20) And folks, there's no better time, position or need for us to be united in than prayer!

So, I'm going to lead us in that model prayer that the Lord gave His disciples to pray in Matthew 6 and Luke 11:1-4. And we want to do this together.

Luke 11:17 says, "Any kingdom divided by civil war is doomed. And a family splintered by feuding will fall apart." Let's pray; all of us, out loud, coming from Matthew 6:9-15. And note that all 15 of the pronouns are in the plural, promoting unity. Please repeat after me: (The model prayer verses 9-15, including the Lord's postscript verses 14-15)

Our Father, which art in heaven, Hallowed be Thy name.  
Thy kingdom come. Thy will be done in earth, as it is in heaven.  
Give us this day our daily bread.

And forgive us our debts, as we forgive our debtors.  
And lead us not into temptation, but deliver us from evil.

For thine is the kingdom, and the power, and the glory, for ever. Amen.

For if ye forgive men their trespasses, your heavenly Father will also forgive you. But if ye forgive not men their trespasses, neither will your Father forgive your trespasses. Now Lord, as Chaplain for this house, I ask that You impress this prayer on the hearts of everyone of us. In the Name of our Lord and Savior, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 300**, AN ACT concerning crimes, punishment and criminal procedure; relating to the Kansas racketeer influenced and corrupt organization act; adding a person who has engaged in identity theft or identity fraud to the definition of covered person; identity theft and identity fraud to the definition of racketeering activity; amending K.S.A. 2020 Supp. 21-6328 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 301**, AN ACT concerning children and minors; establishing the office of the child advocate within the office of the attorney general and prescribing certain powers, duties and functions therefor; the joint committee on child welfare system oversight; authorizing access to certain records; amending K.S.A. 2020 Supp. 38-2211, 38-2212, 38-2213, 38-2309 and 38-2310 and repealing the existing sections, by Committee on Federal and State Affairs.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **HB 2339**.

Ways and Means: **SB 299; HB 2021, HB 2094, HB 2248**.

### REFERENCE OF APPOINTMENTS

The following appointment made by the Commissioner of Insurance and submitted to the Senate for confirmation, was referred to Committee as indicated:

*Securities Commissioner, Office of the State Securities Commissioner:*

Daniel Klucas, to serve at the pleasure of the Insurance Commissioner.

(Committee on Financial Institutions and Insurance)

The following appointments made by the Governor and submitted to the Senate for confirmation, were referred to Committee as indicated:

*Member, University of Kansas Hospital Authority:*

Mark Uhlig, to serve a term ending March 15, 2024.

(Committee on Public Health and Welfare)

*Secretary, Department of Labor:*

Amber Shultz, to serve at the pleasure of the Governor.

(Committee on Commerce)

*Member, State Civil Service Board:*

Sheryl Gilchrist, to serve a term ending March 15, 2025.

(Committee on Federal and State Affairs)

*Member, State Civil Service Board:*

Tom Phillips, to serve a term ending March 15, 2025.

(Committee on Federal and State Affairs)

The following appointments made by the Attorney General and submitted to the Senate for confirmation, were referred to Committee as indicated:

*Member, Kansas Crime Victims Compensation Board:*

Rebecca Dickinson, to serve a term ending March 15, 2021.

(Committee on Judiciary)

*Inspector General, Office of Inspector General:*

Steven Anderson, to serve a term ending January 15, 2025.

(Committee on Public Health and Welfare)

**MESSAGE FROM THE HOUSE**

Announcing passage of **Sub HB 2089; HB 2236.**

Announcing adoption of **HCR 5013.**

Announcing passage of **SB 77**, as amended; **SB 178**, as amended; **SB 170**, as amended.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**Sub HB 2089; HB 2236; HCR 5013** were thereupon introduced and read by title.

**CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

On motion of Senator Hilderbrand the Senate nonconcurred in the House amendments to **SB 77** and requested a conference committee be appointed.

Under the authority of the President the Vice President appointed Senators Hilderbrand, Gossage and Pettey as a conference committee on the part of the Senate.

On motion of Senator Hilderbrand the Senate nonconcurred in the House amendments to **SB 170** and requested a conference committee be appointed.

Under the authority of the President the Vice President appointed Senators Hilderbrand, Gossage and Pettey as a conference committee on the part of the Senate.

On motion of Senator Longbine the Senate nonconcurred in the House amendments to **SB 178** and requested a conference committee be appointed.

Under the authority of the President the Vice President appointed Senators Longbine, Fagg and Pittman as a conference committee on the part of the Senate.

Upon motion of Senator Alley the Senate recessed until the sound of the gavel.

**CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

Senator Tyson moved the Senate concur in House amendments to **SB 21.**

**SB 21**, AN ACT concerning sales and compensating use tax; relating to countywide retailers' sales tax; approving election by Cherokee county; amending K.S.A. 2020 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections.

On roll call, the vote was: Yeas 34; Nays 1; Present and Passing 0; Absent or Not Voting 5.

Yeas: Alley, Baumgardner, Bowers, Corson, Dietrich, Doll, Erickson, Fagg, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, Olson, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Warren, Wilborn.

Nays: Peck.

Absent or Not Voting: Billinger, Claeys, Faust-Goudeau, O'Shea, Ware.

The Senate concurred.

**FINAL ACTION ON CONSENT CALENDAR**

**HB 2063, HB 2124** having appeared on the Consent Calendar for the required two legislative days without objection from any member were considered on final action.

**HB 2063**, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; providing certain spousal and children's benefits for death resulting from a service-connected disability; enacting the Michael Wells

memorial act; amending K.S.A. 74-4960a and repealing the existing section.

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

Yeas: Alley, Baumgardner, Bowers, Corson, Dietrich, Doll, Erickson, Fagg, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Warren, Wilborn.

Absent or Not Voting: Billinger, Claeys, Faust-Goudeau, O'Shea, Ware.

The bill passed.

**HB 2124**, AN ACT concerning the healing arts; relating to healing arts schools; professional services performed thereby; authorization thereof; amending K.S.A. 2020 Supp. 17-2707, 17-7668 and 65-2877a and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Bowers, Corson, Dietrich, Doll, Erickson, Fagg, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Warren, Wilborn.

Absent or Not Voting: Billinger, Claeys, Faust-Goudeau, O'Shea, Ware.

The bill passed.

## REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2102** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2102," as follows:

"Senate Substitute for HOUSE BILL No. 2102

By Committee on Agriculture and Natural Resources

"AN ACT concerning agriculture; relating to eggs; clarifying repackaging requirements for retailers; amending K.S.A. 2020 Supp. 2-2507 and 2-2510 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Federal and State Affairs** recommends **HB 2138** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2138," as follows:

"Senate Substitute for HOUSE BILL No. 2138

By Committee on Federal and State Affairs

"AN ACT concerning alcoholic beverages; providing for suspension or revocation of licenses for violations of orders issued by the director; authorizing sales on Sunday and certain holidays; requiring issuance of a cereal malt beverage retailers' license to licensed producers; allowing the sale and removal of beer and cereal malt beverage in certain containers; amending K.S.A. 2020 Supp. 41-308, 41-320a, 41-712, 41-718, 41-2611, 41-2653, as amended by section 1 of 2021 Senate Bill No. 14, 41-2703, 41-2704 and 41-2911 and repealing the existing sections.";

And the substitute bill be passed.

Also, **HB 2252** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2252," as follows:

"Senate Substitute for HOUSE BILL No. 2252

By Committee on Federal and State Affairs

"AN ACT concerning alcoholic beverages; relating to wineries; authorizing the issuance of fulfillment house licenses; eliminating the requirement for certain percentage of Kansas grown product; allowing the transfer and receipt of bulk wine; allowing the transfer and receipt of bulk alcoholic liquor and cereal malt beverage for canning and bottling purposes; requiring electronic submission of gallonage taxes by special order shipping licensees; authorizing the issuance of a drinking establishment license to manufacturers under certain conditions; eliminating the requirement of Kansas residency for licensure; amending K.S.A. 41-2632 and K.S.A. 2020 Supp. 41-102, 41-308a, 41-308b, 41-311, 41-311b, 41-350, 41-352, 41-2623, 41-2642 and 41-2703 and repealing the existing sections.";

And the substitute bill be passed.

**HB 2137**, as amended by House Committee of the Whole, be amended on page 2, following line 27, by inserting:

"Sec. 2. K.S.A. 2020 Supp. 41-311 is hereby amended to read as follows: 41-311.

(a) No license of any kind shall be issued pursuant to the liquor control act to a person:

- (1) Who is not a citizen of the United States;
- (2) who has been convicted of a felony under the laws of this state, any other state or the United States;
- (3) who has had a license revoked for cause under the provisions of the liquor control act, the beer and cereal malt beverage keg registration act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;
- (4) who has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;
- (5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;
- (6) who is not at least 21 years of age;
- (7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;
- (8) who intends to carry on the business authorized by the license as agent of another;
- (9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);
- (10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, unless the person

agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not, at the time of application, have a written lease thereon;

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) shall not apply in determining eligibility for a renewal license or to a person whose spouse is a law enforcement officer in a county other than the county in which the premises for which the license is sought is located;

(13) whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act;

(14) who does not provide any data or information required by K.S.A. 2020 Supp. 41-311b, and amendments thereto; or

(15) who, after a hearing before the director, has been found to have held an undisclosed beneficial interest in any license issued pursuant to the liquor control act which was obtained by means of fraud or any false statement made on the application for such license.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of this state;

(2) a person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) a person who has a beneficial interest in a manufacturer, distributor, farm winery or microbrewery licensed under this act, except that the spouse of an applicant for a retailer's license may own and hold a farm winery license, microbrewery license, or both, if the spouse does not hold a retailer's license issued under this act;

(4) a person who has a beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;

(5) a copartnership, unless all of the copartners are qualified to obtain a license;

(6) a corporation; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

(1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship and residence requirements;

(2) a copartnership, unless all of the copartners shall have been residents of this state for at least five years immediately preceding the date of application and unless all the members of the copartnership would be eligible to receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall

not apply in determining whether a beneficiary would be eligible for a license;

- (4) an individual who is not a resident of this state;
- (5) an individual who has not been a resident of this state for at least five years immediately preceding the date of application; or
- (6) a person who has a beneficial interest in a distributor, retailer, farm winery or microbrewery licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto.

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's license;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license; or

(4) a person who has a beneficial interest in a manufacturer, retailer, farm winery or microbrewery licensed under this act.

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license, microdistillery license or farm winery license shall be issued to a:

- (1) Person who is not a resident of this state;
- (2) person who has a beneficial interest in a manufacturer or distributor licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto;

(3) person, copartnership or association which has a beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702, and amendments thereto, except that the spouse of an applicant for a microbrewery or farm winery license may own and hold a retailer's license if the spouse does not hold a microbrewery or farm winery license issued under this act;

(4) copartnership, unless all of the copartners are qualified to obtain a license;

(5) corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or

(6) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3), (f)(1) and K.S.A. 2020 Supp. 41-311b, and amendments thereto, shall not apply in determining eligibility for the 10<sup>th</sup>, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.";

On page 22, in line 15, after "remove" by inserting "alcoholic liquor or cereal malt beverage"; also in line 15, after "premises" by inserting "in"; in line 16, by striking "opened"; also in line 16, by striking "of alcoholic liquor or cereal malt beverage"; also in line 16, after the comma by inserting "including in the original unopened container,"; in line 18, after "be" by inserting "otherwise"; in line 19, by striking "in its original container"; in line 20, by striking all after "(2)"; by striking all in line 21; in line 22, by striking "(3)"; in line 23, by striking all after "patron"; by striking all in line 24 and inserting "of"; in line 27, by striking all after "the"; in line 28, by striking "of"; also in

line 28, by striking "and"; in line 29, by striking "the" and inserting "any"; in line 31, by striking "each container" and inserting "any opened containers"; also in line 31, after the comma by inserting "and"; in line 34, after "opened" by inserting ";

(5) no original unopened containers of spirits may be removed from the licensed premises; and

(6) no alcoholic liquor or cereal malt beverage may be removed from the licensed premises after 11:00 p.m. unless such alcoholic liquor is wine that was purchased and partially consumed on the licensed premises";

Also on page 22, by striking all in lines 35 through 43;

On page 23, by striking all in lines 1 through 22;

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

On page 27, in line 9, after the comma by inserting "41-311, "; in line 15, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "authorizing the issuance of a license to an individual whose spouse is a law enforcement officer;"; in line 5, after the first comma by inserting "41-311, "; and the bill be passed as amended.

**HB 2008** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Financial Institutions and Insurance** recommends **SB 265** be passed.

Also, **HB 2064**, as amended by House Committee, be amended on page 3, in line 2, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

**HB 2187** be amended on page 13, in line 35, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

**HB 2243** be amended on page 3, in line 23, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2077**, as amended by House Committee of the Whole, be passed.

Also, recommends **HB 2298** be passed.

Committee on **Judiciary** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

*Judge, Court of Appeals:* K.S.A. 2020 Supp. 20-3020

Lesley Isherwood, to serve a term ending on January 9, 2023

*Judge, Court of Appeals:* K.S.A. 2020 Supp. 20-3020

Jacy Hurst, to serve a term ending on January 9, 2023

Committee on **Public Health and Welfare** recommends **HB 2234** be amended on page 4, in line 6, by striking "Kansas register" and inserting "statute book"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 158** be amended on page 3, in line 2, after the second "of" by inserting "either:

(1)";

Also on page 3, in line 3, by striking "or without the consent of" and inserting ";

(2)";

Also on page 3, in line 4, after "member" by inserting "; or

(3) the insurance company processing a claim with respect to the vehicle or an agent of such insurance company";

Also on page 3, in line 11, after "vehicle" by inserting "pursuant to this section"; in line 14, by striking "10" and inserting "15"; and the bill be passed as amended.

Also, **SB 146** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Utilities** recommends **HB 2321**, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

### **REPORT ON ENROLLED BILLS**

**SB 40** reported correctly enrolled, properly signed and presented to the Governor on March 18, 2021.

On motion of Senator Alley, the Senate adjourned Pro Forma until 10:00 a.m., March 19, 2021.

# Journal of the Senate

FORTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, March 19, 2021, 10:00 a.m.

The Senate was called to order Pro Forma by Vice President Rick Wilborn.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **Sub HB 2089; HCR 5013.**

Financial Institutions and Insurance: **HB 2236.**

Judiciary: **SB 300, SB 301.**

## CHANGE OF REFERENCE

Under the authority of the President, the Vice President withdrew **HB 2292** from the Committee on **Judiciary**, and referred the bill to the Committee on **Transparency and Ethics**.

## REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 161** be amended on page 2, in line 31, by striking "\$100,000" and inserting "\$1,000,000"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2158** be amended on page 1, following line 8, by inserting:

"Section 1. K.S.A. 2020 Supp. 22a-243 is hereby amended to read as follows: 22a-243. (a) There is hereby established a state child death review board, which shall be composed of:

(1) One member appointed by each of the following officers to represent the officer's agency: The attorney general, the director of the Kansas bureau of investigation, the secretary for children and families, the secretary of health and environment and the commissioner of education;

(2) three members appointed by the state board of healing arts, one of whom shall be a district coroner and two of whom shall be physicians licensed to practice medicine and surgery, one specializing in pathology and the other specializing in pediatrics;

(3) one person appointed by the attorney general to represent advocacy groups ~~which~~ that focus attention on child abuse awareness and prevention; and

(4) one county or district attorney appointed by the Kansas county and district attorneys association.

(b) The chairperson of the state review board shall be the member appointed by the attorney general to represent the office of the attorney general.

(c) The state child death review board shall be within the office of the attorney general as a part thereof. All budgeting, purchasing and related management functions of the board shall be administered under the direction and supervision of the attorney general. All vouchers for expenditures and all payrolls of the board shall be approved by the chairperson of the board and by the attorney general. The state review board shall establish and maintain an office in Topeka.

(d) The state review board shall meet at least annually to review all reports submitted to the board. The chairperson of the state review board may call a special meeting of the board at any time to review any report of a child death.

(e) Within the limits of appropriations therefor, the state review board shall appoint an executive director who shall be in the unclassified service of the Kansas civil service act and shall receive an annual salary fixed by the state review board.

(f) Within the limits of appropriations therefor, the state review board may employ other persons who shall be in the classified service of the Kansas civil service act.

(g) Members of the state review board shall not receive compensation, subsistence allowances, mileage and expenses as provided by K.S.A. 75-3223, and amendments thereto, for attending meetings or subcommittee meetings of the board.

(h) The state review board shall develop a protocol to be used by the state review board. The protocol shall include written guidelines for coroners to use in identifying any suspicious deaths, procedures to be used by the board in investigating child deaths, methods to ensure coordination and cooperation among all agencies involved in child deaths and procedures for facilitating prosecution of perpetrators when it appears the cause of a child's death was from abuse or neglect. The protocol shall be adopted by the state review board by rules and regulations.

(i) The state review board shall submit an annual report to the governor and the legislature on or before October 1 of each year, commencing October 1993. Such report shall include the findings of the board regarding reports of child deaths, the board's analysis and the board's recommendations for improving child protection, including recommendations for modifying statutes, rules and regulations, policies and procedures.

(j) Information acquired by, and records of, the state review board shall be confidential, shall not be disclosed and shall not be subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding, except that ~~such information and records may be disclosed to any member of the legislature or any legislative committee which has legislative responsibility of the enabling or appropriating legislation, carrying out such member's or committee's official functions. The legislative committee, in accordance with K.S.A. 75-4319, and amendments thereto, shall recess for a closed or executive meeting to receive and discuss information received by the committee pursuant to this subsection~~ the state review board or the board's designee may disclose such information and records to:

(1) Any member of the legislature or a legislative committee that has legislative responsibility of the enabling or appropriating legislation, if such member or committee is carrying out the official functions of such member or committee, and if any such committee recesses into a closed or executive meeting pursuant to K.S.A. 75-4319(a), and amendments thereto, and has taken appropriate steps to preserve its privacy;

(2) any person or entity contracting with the state review board, if the board has determined that disclosure of such information and records is essential for completion of the contract, and the board has taken appropriate steps to preserve confidentiality;

(3) any person or entity, if the information and records being disclosed are statistics or conclusions of the state review board of the same type included in its annual report pursuant to subsection (i);

(4) any law enforcement agency of the state or any political subdivision thereof, if the state review board determines that the information and records being disclosed were not previously available to such law enforcement agency for the investigation of the cause of the child's death; and:

(A) The board determines that the cause of the child's death was from abuse or neglect; or

(B) the board does not determine that the child's death was from abuse or neglect and has knowledge of a law enforcement investigation based on an official offense report as required in K.S.A. 2020 Supp 21-2501a, and amendments thereto, of abuse or neglect involving the death of a child;

(5) any county or district attorney, if the state review board determines that the information and records being disclosed were not previously available to such county or district attorney for the prosecution of any crimes related to the cause of the child's death; and:

(A) The board determines that the cause of the child's death was from abuse or neglect; or

(B) the board does not determine that the child's death was from abuse or neglect and has knowledge of a law enforcement investigation based on an official offense report as required in K.S.A. 2020 Supp. 21-2501a, and amendments thereto, of abuse or neglect involving the death of a child;

(6) any entity established by a city or county for the express purpose of providing a local review of child deaths if the information and records being disclosed are related to a child's death in an instance when:

(A) Such death occurred in such city or county; or

(B) such child was a resident of such city or county;

(7) any licensing body as defined by K.S.A. 74-146, and amendments thereto, if:

(A) The information and records being disclosed are related to a disciplinary complaint against a person licensed by such licensing body;

(B) any member of the state review board is under a professional obligation to make a disciplinary complaint against a person licensed by such licensing body; or

(C) a person licensed by such licensing body may have caused or contributed to the child's death; and

(8) a governmental agency or an organization that has a federalwide assurance (FWA) for the protection of human subjects in good standing with the United States department of health and human services officer for human research protections, if:

(A) The agency or organization provides documentation that an institutional review board designated in the FWA has reviewed the organization's research proposal;

(B) personally identifiable information is redacted from the disclosure;

(C) the disclosure is only for the purpose of health or education; and

(D) the agency or organization requires all persons granted access to the disclosed information and records to sign a confidentiality agreement prior to receipt of the disclosed information and records.

(k) The state review board may adopt rules and regulations as necessary to carry out the provisions of K.S.A. 22a-241 through 22a-244, and amendments thereto.";

On page 6, in line 5, after "75-5665" by inserting "and K.S.A. 2020 Supp. 22a-243";  
And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "public health" and inserting "open government; relating to the state child death review board; relating to the confidentiality of records; exceptions thereto"; in line 6, after the second "and" by inserting "K.S.A. 2020 Supp. 22a-243 and"; and the bill be passed as amended.

## TRIBUTES

Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of March 15 through March 19, 2021:

Senator Bowers: celebrating Jean Fuller Nelson's 100th Birthday, celebrating Ruby McKechnie's 100th Birthday, congratulating Terry Lilak on being named the Lincoln Area Chamber of Commerce Volunteer of the Year, congratulating Lincoln County Health Department on being named the Lincoln Area Chamber of Commerce Member of the Year, celebrating Gerald and Pauline Brummer's 70th Wedding Anniversary;

Senator Hawk: commending Donald Rathbone on his many years of dedicated service to his profession and community;

Senator Hilderbrand: recognizing Officer Samantha Snell and Officer Logan Grant for risking their lives to save those involved in a vehicle crash; and

Senator Hawk and Senator Dietrich: congratulating Robert Gonzales on his retirement after 44 years of coaching.

On motion of Senator Gossage, the Senate adjourned Pro Forma until 2:30 p.m., March 22, 2021.

# Journal of the Senate

FORTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, March 22, 2021, 2:30 p.m.

The Senate was called to order Pro Forma by Vice President Rick Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 302**, AN ACT concerning taxation; authorizing counties to impose an earnings tax; amending K.S.A. 2020 Supp. 19-101a and repealing the existing section, by Committee on Assessment and Taxation.

**SB 303**, AN ACT concerning counties; relating to county homes for the aged and county hospitals; restricting board of county commissioners, trustees and employees from infringing upon residents' and patients' rights to receive and refuse visitors in county homes for the aged and county hospitals; permitting residents and patients to waive restrictions imposed to control transmission or prevention of an infectious disease; restricting counties from exempting from prohibitions on imposing restrictions on visitors in homes for the aged and county hospitals; amending K.S.A. 12-4909 and 19-2110 and K.S.A. 2020 Supp. 19-101a and 19-4610 and repealing the existing sections, by Committee on Federal and State Affairs.

## MESSAGES FROM THE GOVERNOR

*To the Senate of the State of Kansas*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Laura Kelly  
*Governor*

March 10, 2021

*Member, State Board of Tax Appeals, Kristen Wheeler, Wichita, (U), pursuant to the authority vested in me by K.S.A. 74-2433, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed Ronald Cyrus Mason.*

## COMMUNICATIONS FROM STATE OFFICERS

March 19, 2021

Office of the Attorney General: Pursuant to K.S.A. 74-7303, I am appointing Becky

Dickinson as a member of the Crime Victims Compensation Board to fill the full four-year term that expires on March 15, 2025.

DEREK SCHMIDT  
*Kansas Attorney General*

Kansas Department of Revenue: 2020 Preliminary Real Estate Appraisal/Sales Ratio Study as required by K.S.A. 79-1490. (March 15, 2021)

#### MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2078**.

The House accedes to the request of the Senate for a conference on **SB 77** and has appointed Representatives Landwehr, Eplee and Parker as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 170** and has appointed Representatives Landwehr, Eplee and Parker as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 178** and has appointed Representatives Kelly, Hoheisel and Xu as conferees on the part of the House.

#### REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **HB 2072** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2072," as follows:

"Senate Substitute for HOUSE BILL No. 2072

By Committee on Financial Institutions and Insurance

"AN ACT concerning the state corporation commission; relating to certain public utilities; authorizing the securitization of certain generating facilities and qualified extraordinary costs; providing for the approval and issuance of securitized utility tariff bonds; enacting the utility financing and securitization act; amending K.S.A. 66-1239 and K.S.A. 2020 Supp. 84-9-109 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Public Health and Welfare** recommends **HB 2208** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2208," as follows:

Senate Substitute for HOUSE BILL No. 2208

By Committee on Public Health and Welfare

"AN ACT concerning health and healthcare; relating to credentialing of health professions and facilities; establishing rural emergency hospitals as a rural healthcare licensure category; requirements for licensure; certification and funding of certified community behavioral health clinics; prescribing powers, duties and functions of the Kansas department for aging and disability services and the department of health and environment related thereto; authorizing the issuance of telemedicine waivers for the practice of telemedicine by out-of-state healthcare providers; relating to professions regulated by the behavioral sciences regulatory board; reducing certain licensing requirements; expanding temporary practice permits and the board's grounds for

discipline; amending K.S.A. 65-425, 65-431, 65-5804a, 65-5807a, 65-5808, 65-5809, 65-6309a, 65-6311, 65-6404, 65-6405a, 65-6408, 65-6610, 65-6612, 65-6615, 74-5316a, 74-5324, 74-5363, 74-5367a and 74-5369 and K.S.A. 2020 Supp. 65-6306 and 65-6411 and repealing the existing sections."

And the substitute bill be passed.

#### **CHANGE OF REFERENCE**

Under the authority of the President, the Vice President withdrew **SB 100** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Transportation**.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Tuesday, March 23, 2021.

# Journal of the Senate

FORTY-NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 23, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.

The roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

Think, Before You Speak! What Goes In, Is What Comes Out!

Life and Death Is In The Tongue!!

Matthew 4:4, Proverbs 18:21, Ephesians 4:29, Proverbs 29:20, James 1:19

Heavenly Father, most of us have had something to eat today to nourish our bodies. But in Matthew 4:4, You say that kind of food is not enough and that we need to feed on every Word that proceeds from You. And, You've ordained Your Prophets to give us a Divine, strength-building diet consisting of Your Holy Word. So, Lord, let the words that come from us, reflect the Words that come from You.

In Proverbs 18:21, You tell us that the words we speak have the power of life and death. Your Word, therefore, orders us in Ephesians 4:29, not to use foul, offensive or insulting language. But to let everything we say be good and helpful, that our words will be an encouragement to those who hear them.

So, slow us down that we not be so quick as to speak out of our emotions. In Proverbs 29:20, You say that one who speaks in haste is more hopeless than a fool. And You tell us in James 1:19 to be slow to speak, but quick to listen. For when we're listening, You can teach us something.

And Lord, that reminds me of the wisdom of my Grandmother. She told me that as long as I kept my mouth shut, I could avoid displaying my ignorance. So, again Lord, keep us on a steady diet of feeding on Your Word. Because what comes in, is what will go out.

I pray today, in Jesus' Name. Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 304**, AN ACT concerning the COVID-19 contact tracing privacy act; removing the sunset provision; amending K.S.A. 2020 Supp. 48-961 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 305**, AN ACT concerning law enforcement; relating to automated license plate recognition systems; requiring each law enforcement agency that utilizes such systems

to adopt and maintain a detailed, written policy relating to the use and operation of such systems; prescribing restrictions and requirements relating to the collection, storage and sharing of captured license plate data; criminal penalties for unlawful acts relating to such data, by Committee on Ways and Means.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 302**.

Public Health and Welfare: **SB 303**.

#### REFERENCE OF APPOINTMENTS

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

*Member, State Board of Tax Appeals:*

Kristen Wheeler, to serve a term ending January 15, 2025.

(Committee on Assessment and Taxation)

The following appointment made by the Attorney General and submitted to the Senate for confirmation, was referred to Committee as indicated:

*Member, Kansas Crime Victims Compensation Board*

Rebecca Dickinson, effective upon the date of confirmation by the Senate, to serve a term ending March 15, 2025.

(Committee on Judiciary)

#### CHANGE OF REFERENCE

An objection having been made to **SB 146** appearing on the **Consent Calendar**, the Vice President directed the bill be removed and placed on the calendar under the heading of **General Orders**.

#### MESSAGES FROM THE GOVERNOR

Enclosed is Executive Order 21-08 for your information. (March 22, 2021)

#### MESSAGE FROM THE HOUSE

Announcing passage of **SB 118**.

Announcing passage of **SB 26**, as amended by **H Sub SB 26**; **SB 63**, as amended by **H Sub SB 63**; **SB 99**, as amended by **H Sub SB 99**.

Announcing passage of **SB 67**, as amended; **SB 95**, as amended.

Announcing passage of **HB 2401**.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2401** was thereupon introduced and read by title.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Under the authority of the President, the Vice President referred **HB 2401** to the Committee on **Ways and Means**.

**CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

On motion of Senator Petersen the Senate nonconcurrred in the House amendments to **H Sub SB 26** and requested a conference committee be appointed.

The Vice President appointed Senators Petersen, Claeys and Hawk as a conference committee on the part of the Senate.

On motion of Senator Baumgardner the Senate nonconcurrred in the House amendments to **H Sub SB 63** and requested a conference committee be appointed.

The Vice President appointed Senators Baumgardner, Erickson and Sykes as a conference committee on the part of the Senate.

On motion of Senator Petersen the Senate nonconcurrred in the House amendments to **SB 67** and requested a conference committee be appointed.

The Vice President appointed Senators Petersen, Claeys and Hawk as a conference committee on the part of the Senate.

On motion of Senator Petersen the Senate nonconcurrred in the House amendments to **SB 95** and requested a conference committee be appointed.

The Vice President appointed Senators Petersen, Claeys and Hawk as a conference committee on the part of the Senate.

On motion of Senator Petersen the Senate nonconcurrred in the House amendments to **SB 99** and requested a conference committee be appointed.

The Vice President appointed Senators Petersen, Claeys and Hawk as a conference committee on the part of the Senate.

On motion of Senator Alley, the Senate recessed until the sound of the gavel.

**CONSIDERATION OF APPOINTMENTS**

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

Senator Alley moved the following appointments be confirmed as recommended by the Committee on **Judiciary**.

*By the Governor*

On the appointment to the:

*Kansas Court of Appeals:*

Jacy Hurst

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Court of Appeals:*

Lesley Isherwood

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The appointment was confirmed.

#### **FINAL ACTION ON CONSENT CALENDAR**

**HB 2008, HB 2014, HB 2321** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**HB 2008**, AN ACT concerning the attorney general; providing for coordination of training on missing and murdered indigenous people for law enforcement agencies.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

**HB 2014**, AN ACT concerning motor vehicles; relating to the registration and regulation of military surplus vehicles; amending K.S.A. 8-194, 8-195 and 8-196 and K.S.A. 2020 Supp. 8-1486 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

**HB 2321**, AN ACT concerning electric utilities; relating to the state corporation commission; construction of urban electric transmission lines in cities; requiring notice prior to construction.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

**CONFERENCE COMMITTEE REPORT**

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2022** submits the following report:

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

On page 13, in line 39, by striking "Kansas register" and inserting "statute book";  
And your committee on conference recommends the adoption of this report.

RICK BILLINGER

J.R. CLAEYS

TOM HAWK

*Conferees on part of Senate*

TROY WAYMASTER

KYLE HOFFMAN

KATHY WOLFE MOORE

*Conferees on part of House*

Senator Billinger moved the Senate adopt the Conference Committee Report on **HB 2022**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The Conference Committee Report was adopted.

**COMMITTEE OF THE WHOLE**

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

On motion of Senator Warren the following report was adopted:

**SB 2; HB 2172, HB 2270** be passed.

**HB 2137, HB 2178** be amended by the adoption of the committee amendments, and the bills be passed as amended.

Committee report on **HB 2102** recommending **S Sub HB 2102** be adopted, and the substitute bill be passed.

**SB 145** be passed over and retain a place on the calendar.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

Under the authority of the President, the Vice President referred **SB 304** to the Committee on **Judiciary** and referred **SB 305** to the Committee on **Transportation**.

**REPORTS OF STANDING COMMITTEES**

Committee on **Financial Institutions and Insurance** recommends **SB 290** be passed.

Also, **HB 2379**, as amended by House Committee, be passed.

**HB 2134** be amended on page 60, in line 35, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

**HB 2136**, as amended by House Committee, be amended on page 3, in line 14, after "automobile" by inserting "club";

On page 15, in line 23, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2175** be passed.

Committee on **Transparency and Ethics** recommends **HB 2050, HB 2162** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **HB 2165**, as amended by House Committee, be amended on page 1, by striking all in lines 25 through 36;

On page 2, by striking all in lines 1 through 38; in line 39, by striking "K.S.A. 8-194, 8-195 and 8-196 and"; in line 40, by striking "are" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking all after the semicolon; in line 4, by striking all before "amending"; also in line 4, by striking all after "amending"; in line 5, by striking "sections" and inserting "section"; and the bill be passed as amended.

Also, **Sub HB 2166**, as amended by House Committee of the Whole, be amended on page 11, following line 15, by inserting:

"New Sec. 10. (a) On and after January 1, 2022, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less, motorcycles or travel trailers, who is a resident of the state of Kansas, may apply for and be issued one distinctive license plate for each such passenger vehicle, truck, motorcycle or travel trailer, a Gadsden flag license plate. Such license plate shall be issued for the same period of time as other plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any applicant or renewal for a Gadsden flag license plate authorized by this section shall make an annual payment of a Gadsden flag license plate fee of \$25 to the county treasurer for each license plate to be issued. Any fee received pursuant to this section shall be used to support the Kansas state rifle association.

(c) Any applicant for a license plate authorized by this section may make application for such license plate not less than 60 days prior to such person's renewal of registration date on a form prescribed and furnished by the director of vehicles. Application for the registration of a passenger vehicle, truck, motorcycle or travel trailer, and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or license plate issued under the authority of this section shall be transferable to any other person.

(e) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any

applicant until such applicant has filed a form with the director as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plate to the county treasurer of such person's residence.

(f) The Gadsden flag license plate shall have a background design, an emblem or colors that designate the license plate as a Gadsden flag license plate.

(g) Annual Gadsden flag license plate fee payments collected by county treasurers under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Gadsden flag license plate fund, which is hereby created in the state treasury and shall be administered by the state treasurer. All expenditures from the Gadsden flag license plate fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or the state treasurer's designee. Payments from the Gadsden flag license plate fund shall be made on a monthly basis to the appropriate designee of the Kansas state rifle association.

New Sec. 11. Not later than May 1 of each year, any organization that receives payment from any fee imposed on the issuance or renewal of a distinctive license plate shall submit to the house of representatives committee on transportation, the senate committee on transportation, the legislative research department and the state treasurer a report on the prior year's finances that contains the following information:

(a) The total amount of money received by the organization from such distinctive license plate fee from the prior year; and

(b) the list of expenditures that the money in subsection (a) was spent on by the organization.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "educator" by inserting ", Gadsden flag"; in line 7, after the semicolon by inserting "requiring reporting by sponsoring organizations of income and expenditures derived from certain distinctive license plate fees;"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2214** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

## REPORT ON ENROLLED BILLS

**SB 21** reported correctly enrolled, properly signed and presented to the Governor on March 23, 2021.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Wednesday, March 24, 2021.

# Journal of the Senate

FIFTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 24, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.

The roll was called with 40 senators present.

The Vice President introduced Reverend LaRon Thompson, Paseo Baptist Church, and guest of Senator David Haley to deliver the invocation:

Omniscient, Omnipresent and Omnipotent God, on this 24th day of March in the year of 2021, we pause with grateful hearts to say Thank You! Thank You for Your bountiful blessings, Your prudent provisions, Your gracious gifts, Your lavish love and the multiplicity of mercies that are new every morning.

Father, in this moment we beseech Your presence. Your presence to abide in the hearts of Your public servants. Your presence to build the boldness we need in our service to Your children. Your presence to convict us in challenging moments. Your presence to discern the direction You desire for us to go.

Finally, may we, public servants elected for the people by the people, be reminded of Your unwavering requirement found in Micah 6:8. May we live justly, love mercy and walk humbly before almighty God.

We humbly submit this prayer and petition to You. In Your sovereign and holy name, we pray, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

## MESSAGES FROM THE GOVERNOR

*To the Senate of the State of Kansas*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas pursuant to law.

Laura Kelly  
*Governor*

*Member, Kansas Racing and Gaming Commission, Brandon Jones, Ottawa, (R), pursuant to the authority vested in me by K.S.A. 74-8803, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed himself.*

*Member, Kansas Development Finance Authority, Suchitra Padmanabhan, Topeka, (U), pursuant to the authority vested in me by K.S.A. 74-8903, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed herself.*

**MESSAGE FROM THE HOUSE**

The House accedes to the request of the Senate for a conference on **H Sub SB 26** and has appointed Representatives Proehl, Delperdang and Helgerson as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 63** and has appointed Representatives Williams, Hoffman and Winn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 67** and has appointed Representatives Proehl, Delperdang and Helgerson as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 95** and has appointed Representatives Proehl, Delperdang and Helgerson as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 99** and has appointed Representatives Proehl, Delperdang and Helgerson as conferees on the part of the House.

Announcing passage of **SB 64**.

Announcing passage of **HB 2329, HB 2406**, as amended.

Announcing adoption of **HCR 5015**, as amended.

Announcing passage of **SB 24**, as amended; **SB 36**, as amended; **SB 55**, as amended; **SB 86**, as amended.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2329, HB 2406; HCR 5015** were thereupon introduced and read by title.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 2**, AN ACT concerning the Kansas state fair; relating to alcoholic liquor; sales during the state fair; issuance of temporary permits; liquor enforcement tax and liquor drink tax; crediting a portion of such tax moneys collected to the state fair capital improvements fund; amending K.S.A. 79-4108 and 79-41a03 and K.S.A. 2020 Supp. 41-719 and 41-1201 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Baumgardner, Erickson, Gossage, Peck, Pyle, Ryckman, Steffen, Tyson.

Present and Passing: Holland.

The bill passed.

**S Sub 2102**, AN ACT concerning agriculture; relating to eggs; clarifying repackaging requirements for retailers; amending K.S.A. 2020 Supp. 2-2507 and 2-2510 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The substitute bill passed.

**HB 2137**, AN ACT concerning alcoholic beverages; authorizing the issuance of a license to an individual whose spouse is a law enforcement officer; relating to the sale of cereal malt beverages; authorizing certain licensees under the Kansas liquor control act and the club and drinking establishment act to sell and serve cereal malt beverages; amending K.S.A. 41-2604 and 41-2619 and K.S.A. 2020 Supp. 41-308, 41-311, 41-1201, 41-1202, 41-1203, 41-1204, 41-2601, 41-2608, 41-2610, 41-2611, 41-2613, 41-2614, 41-2623, 41-2637, 41-2641, 41-2642, 41-2643, 41-2653 {, as amended by section 1 of 2021 Senate Bill No. 14}, 41-2655, 41-2658 and 41-2659 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Straub, Suellentrop, Sykes, Thompson, Ware, Wilborn.

Nays: Baumgardner, Gossage, Peck, Pyle, Ryckman, Steffen, Tyson, Warren.

Present and Passing: Holland.

The bill passed, as amended.

**HB 2172**, AN ACT concerning water; relating to the division of water resources of the department of agriculture; modifying multi-year flex accounts, base average usage calculation and fees; permitting alternative base average usage calculation and prorated terms; amending K.S.A. 82a-736 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

**HB 2178**, AN ACT concerning cities; relating to the vacation of territory, easements or certain blocks; providing procedures to challenge certain decisions of a city; amending K.S.A. 12-504 and 12-505 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes,

Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**HB 2270**, AN ACT concerning the distribution of the levy on fire insurance business premiums; relating to the state fire marshal fee fund, the emergency medical services operating fund and the fire training service program fund; modifying the distribution of moneys thereof; amending K.S.A. 75-1514 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

Upon motion of Senator Alley, the Senate recessed to the sound of the gavel.

#### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Petersen the Senate nonconcurrred in the House amendments to **SB 36** and requested a conference committee be appointed.

The Vice President appointed Senators Petersen, Claeys and Hawk as a conference committee on the part of the Senate.

On motion of Senator Baumgardner the Senate nonconcurrred in the House amendments to **SB 55** and requested a conference committee be appointed.

The Vice President appointed Senators Baumgardner, Erickson and Sykes as a conference committee on the part of the Senate.

On motion of Senator Longbine the Senate nonconcurrred in the House amendments to **SB 86** and requested a conference committee be appointed.

The Vice President appointed Senators Longbine, Fagg and Pittman as a conference committee on the part of the Senate.

Senator Masterson moved the Senate concur in House amendments to **H Sub SB 63**.

**H Sub SB 63**, AN ACT concerning education; relating to student attendance; enacting the back to school act; requiring school districts to provide for a full-time, in person attendance option in school year 2020-2021.

On roll call, the vote was: Yeas 28; Nays 11; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holscher, Pettey, Pittman, Sykes, Ware.

Absent or Not Voting: Holland.

The Senate concurred.

Senator Petersen moved the Senate concur in House amendments to **H Sub SB 99**.

**H Sub SB 99**, AN ACT concerning motor vehicles; relating to the vehicle dealers and manufacturers licensing act; increasing the bonding requirement for vehicle dealers; providing for display show licenses; allowing for new vehicle dealers and manufacturers to participate in display shows; amending K.S.A. 2020 Supp. 8-2404 and 8-2435 and repealing the existing sections; also repealing K.S.A. 2020 Supp. 8-2435, as amended by section 1 of 2021 Senate Bill No. 33.

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holscher, Kerschen, Kloos, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Hilderbrand.

Present and Passing: Longbine.

Absent or Not Voting: Holland.

The Senate concurred.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Erickson the following report was adopted:

**HB 2126, HB 2155, HB 2298** be passed.

A motion to amend **HB 2126** was offered by Senator Straub. A ruling of the chair was requested as to the germaneness of the amendment. The chair ruled the amendment was germane to the bill.

The amendment failed.

**HB 2007, HB 2026, HB 2071, HB 2243** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**Sub HB 2166** be amended by the adoption of the committee amendments, be further amended by motion of Senator Tyson; on page 12, following line 34, by inserting:

"Sec. 12. K.S.A. 2020 Supp. 8-132 is hereby amended to read as follows: 8-132. (a) Subject to the provisions of this section and K.S.A. 8-1,125, and amendments thereto, the division of vehicles shall furnish to every owner whose vehicle shall be registered one license plate for such vehicle. Such license plate shall have displayed on it the registration number assigned to the vehicle and to the owner thereof, the name of the state, which may be abbreviated, and the year or years for which it is issued. The same type of license plates shall be issued for passenger motor vehicles, rented without a driver, as are issued for private passenger vehicles.

(b) During calendar year 1975 commencing on the effective date of this act, and during every fifth calendar year thereafter, the division of vehicles shall furnish one license plate for any type of vehicle an owner registers or has the registration thereof renewed, but during the succeeding four-year period following calendar year 1975 and

during the succeeding four-year period following every fifth calendar year subsequent to 1975, the division of vehicles shall not furnish any license plate for the renewal of a vehicle's registration. During calendar year 1976 and during each calendar year thereafter in which a license plate is not issued for the renewal of registration of a vehicle, the division of vehicles shall furnish one decal for the license plate issued for a vehicle as provided in K.S.A. 8-134, and amendments thereto, for each registration and renewal of registration of such vehicle. Notwithstanding the foregoing provisions of this subsection, whenever, in the discretion of the director of vehicles, it is determined that the license plates currently being issued and displayed are not deteriorating to the extent that their replacement is warranted, the director may adopt rules and regulations to extend the five-year issuance cycle provided for in this subsection by one year at a time, and in the same manner the director may further extend such cycle by one year at a time, successively as the director determines appropriate. If the cycle is extended at the expiration of the extended term, new license plates shall again be issued in the manner and for the term provided in such rules and regulations, except that the owner of a motor vehicle currently registered may continue to display the license plate currently being issued and displayed for a period not to exceed three registration years from the date of the expiration of the extended term. The division shall furnish one decal for each such license plate in accordance with the provisions of this subsection.

(c) Any license plate issued pursuant to subsection (a) or (b) may be a personalized license plate subject to the provisions of subsection (d), including the payment of the additional fee. The division shall allow an applicant for a personalized license plate to personalize a license plate design established by subsection (a), (b) or (d).

(d) Two personalized license plates may be issued to any owner or lessee of a passenger vehicle or a truck licensed for a gross weight of not more than 20,000 pounds, who makes proper application to the division of vehicles not less than 60 days prior to such owner's or lessee's renewal of registration date. Such application shall be on a form prescribed by the division and accompanied by a fee of \$40, which shall be in addition to any other fee required to renew the registration of such passenger vehicle under the laws of this state. One such personalized license plate shall be displayed on the rear of the vehicle and, at the option of the owner or lessee, the other license plate may be displayed on the front of the vehicle, except that no registration decal shall be issued pursuant to K.S.A. 8-134, and amendments thereto, for any such license plate displayed on the front of such vehicle. One personalized license plate may be issued to any owner of a motorcycle upon proper application in the same manner provided in this subsection-(e) for passenger vehicles and trucks. The \$40 fee shall be paid only once during the registration period for which such license plates were issued, and any subsequent renewals during the registration period shall be subject only to the registration fee prescribed by K.S.A. 8-143, and amendments thereto. The division shall design distinctive, personalized license plates to be issued which shall contain not more than seven letters or numbers on truck or passenger vehicle license plates and not more than five letters or numbers on motorcycle license plates, or a combination thereof, to be designated by the applicant in lieu of the letters and numbers required by K.S.A. 8-147, and amendments thereto, other than the letters required to designate the county in which such vehicle is registered. Unless the letters or numbers designated by the applicant have been assigned to another vehicle, or unless the letters or numbers designated by the applicant have a profane, vulgar, lewd or indecent meaning or

connotation, as determined by the director of vehicles, the division shall assign such letters or numbers to the applicant's vehicle, and the letters or numbers, or combination thereof, so assigned shall be deemed the registration number of such vehicle. Subject to the foregoing provisions, all license plates issued under this section shall be manufactured in accordance with K.S.A. 8-147, and amendments thereto. Such license plates shall be issued for a registration period of five years commencing in 1985 and each five years thereafter.

(e) The secretary of revenue shall adopt rules and regulations necessary to carry out the provisions of this act, including, without limitation, rules and regulations concerning: (1) the procedure for insuring that duplicate license plates are not issued throughout the state; (2) the procedure for reserving distinctive license plates for the purpose of obtaining the same on each annual renewal of registration; (3) the procedure for allowing the transfer of personalized license plates from one vehicle to another for which such license plates were originally issued, when the title to the original vehicle has not been transferred and the name or names of the owner or owners listed on the titles to both vehicles are identical; and (4) procedures necessary to coordinate this act with other laws of this state governing registration of vehicles. The director of vehicles shall remit all moneys received by the division of vehicles under this section 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 highway fund.";

On page 17, in line 40, after "Supp." by inserting "8-132,";

And by renumbering sections accordingly;

On page 1, in the title, in line 9, after the semicolon by inserting "allowing certain license plates issued by the division of vehicles to be personalized license plates;"; also in line 9, after "Supp." by inserting "8-132,".

**Sub HB 2166** be further amended by motion of Senator Haley; on page 12, following line 34, by inserting:

"New Sec. 12. (a) On and after January 1, 2022, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less, who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one delta sigma theta license plate for each such passenger vehicle or truck. Such license plate shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and either the payment to the county treasurer of the logo use royalty payment or the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) Delta sigma theta may authorize the use of the organization's logo to be affixed on license plates as provided by this section. Any motor vehicle owner or lessee may apply annually to delta sigma theta for the use of such logo. Such owner or lessee shall pay an amount of not less than \$25 nor more than \$100 as a logo use royalty payment for each such license plate to be issued. The logo use royalty payment shall be paid to either:

(1) Delta sigma theta, who shall issue to the motor vehicle owner or lessee, without further charge, a logo use authorization statement that shall be presented by the motor vehicle owner or lessee at the time of registration; or

(2) the county treasurer.

(c) Any applicant for a license plate authorized by this section may make application for such license plate not less than 60 days prior to such person's renewal of registration date on a form prescribed and furnished by the director of vehicles, and any applicant for such license plate shall either provide the annual logo use authorization statement provided for in subsection (b) or pay to the county treasurer the logo use royalty payment. Application for registration of a passenger vehicle or truck and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or license plate issued under this section shall be transferable to any other person.

(e) The director of vehicles may transfer a delta sigma theta license plate from a leased vehicle to a purchased vehicle.

(f) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant provides to the county treasurer either the annual logo use authorization statement provided for in subsection (b) or the payment of the annual royalty payment. If such statement is not presented at the time of registration or faxed by delta sigma theta, or the annual royalty payment is not made to the county treasurer, the applicant shall be required to comply with the provisions of K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(g) Delta sigma theta shall provide to all county treasurers an electronic mail address where applicants can contact delta sigma theta for information concerning the application process or the status of such applicant's license plate application.

(h) Delta sigma theta, with the approval of the director of vehicles, shall design a license plate to be issued under the provisions of this section.

(i) As a condition of receiving the delta sigma theta license plate and any subsequent registration renewal of such license plate, the applicant shall consent to the division authorizing the division's release of motor vehicle record information, including the applicant's name, address, royalty payment amount, license plate number and vehicle type to delta sigma theta and the state treasurer.

(j) The collection and remittance of annual royalty payments by the county treasurer shall be subject to the provisions of K.S.A. 8-1,141(h), and amendments thereto.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the second comma by inserting "delta sigma theta," and **Sub HB 2166** be passed as amended.

A motion by Senator Sykes to amend **Sub HB 2166** failed and the following amendment was rejected; on page 12, following line 34, by inserting:

"New Sec. 12. (a) On and after January 1, 2022, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less, who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one "I support public education" license plate for each such passenger vehicle or truck. Such license plate shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8- 143,

and amendments thereto.

(b) Any applicant or renewal for an "I support public education" license plate authorized by this section shall make an annual payment of an "I support public education" license plate fee of \$50 to the county treasurer for each license plate to be issued.

(c) Any applicant for a license plate authorized by this section may make application for such license plate not less than 60 days prior to such person's renewal of registration date on a form prescribed and furnished by the director of vehicles. Application for registration of a passenger vehicle or truck and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or license plate issued under this section shall be transferable to any other person.

(e) The director of vehicles may transfer an "I support public education" license plate from a leased vehicle to a purchased vehicle.

(f) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant pays the annual fee to the county treasurer as provided for in subsection (b). If the fee payment is not made to the county treasurer at the time of registration, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(g) The department of education, with the approval of the director of vehicles, shall design a plate to be issued under the provisions of this section.

(h) As a condition of receiving the "I support public education" license plate and any subsequent registration renewal of such license plate, the applicant shall provide consent to the division authorizing the division's release of motor vehicle record information, including the applicant's name, address, I support public education license plate fund fee payment amount, plate number and vehicle type to the state treasurer.

(i) Annual "I support public education" license plate fee payments collected by county treasurers under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the I support public education license plate fund. Such fund is hereby created in the state treasury and shall be administered by the state treasurer. All expenditures from the I support public education license plate fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or the state treasurer's designee. Payments from the I support public education license plate fund shall be made on a monthly basis to the appropriate designee of the department of education to support the teacher of the year program.";

On page 13, in line 12, by striking the first "and" and inserting a comma; also in line 12, after "8-1,183" by inserting "and section 12";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the second comma by inserting "I support public education."

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

On roll call, the vote was: Yeas 15; Nays 15; Present and Passing 5; Absent or Not Voting 5.

Yeas: Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holscher, Kloos, Olson, Pettey, Pittman, Ryckman, Sykes, Ware.

Nays: Baumgardner, Claeys, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Masterson, Peck, Petersen, Steffen, Straub, Suellentrop, Thompson, Tyson.

Present and Passing: Alley, Bowers, O'Shea, Warren, Wilborn.

Absent or Not Voting: Billinger, Holland, Longbine, McGinn, Pyle.

A motion by Senator Sykes to further amend **Sub HB 2166** failed and the following amendment was rejected; on page 11, by striking all in lines 20 through 43;

On page 12, by striking all in lines 1 through 24;

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking the second comma; in line 3, by striking "Gadsden flag"

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

On roll call, the vote was: Yeas 11; Nays 26; Present and Passing 0; Absent or Not Voting 3.

Yeas: Corson, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holscher, Pettey, Pittman, Sykes, Ware.

Nays: Alley, Baumgardner, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Absent or Not Voting: Billinger, Holland, McGinn.

#### EXPLANATION OF VOTE

Madam Chair: I vote AYE on the amendment offered to remove the Gadsden flag (also known as "Don't Tread on Me") from the options for new specialty car license tags. My objection is not meant to undermine any organization these tags will support but to oppose the glorification of Christopher Gadsden; a notorious slave merchant whose Gadsden's Wharf is estimated to have sold more Africans into slavery than any other location in North America. Further, Gadsden purportedly owned more than 90 slaves and operated his Wharf even after the slave trade was outlawed. It would be ironic for proud Kansans, a State we all know was brought into this Union as a Free State, to unwittingly sport a symbolic flag, and tag, created by the antithesis of that pride; that someone like Christopher Gadsden wholly represents. We should all vote now to remove all vestiges of affirmations in any way rooted in the misery of slavery or the slave trade, which is NOT Kansas' history, from any Kansas imagery or certainly official representations. Again, accordingly I vote "Aye" on this amendment.—DAVID HALEY

Senators Francisco and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Haley on **Sub HB 2166**.

Committee report on **HB 2252** recommending **S Sub HB 2252** be adopted, and the substitute bill be passed.

**REPORTS OF STANDING COMMITTEES**

Committee on **Agriculture and Natural Resources** recommends **HB 2203** be amended on page 1, in line 15, by striking all after "expenses"; in line 16, by striking all before the second "and";

On page 2, by striking all in lines 13 through 40; in line 41, by striking "and 65-5314 are" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "and 65-5314"; also in line 3, by striking "sections" and inserting "section"; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **HB 2104** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2104," as follows:

"Senate Substitute for HOUSE BILL No. 2104

By Committee on Assessment and Taxation

"AN ACT concerning property taxation; relating to school district levies, authorizing continuation of the statewide levy for schools and the exemption of a portion of residential property from such levy, extending the due date for budget to state board of education when revenue neutral rate hearing is required; relating to the state board of tax appeals, orders and notices, service by electronic means, time to request full and complete opinion, judicial review, burden of proof in district court, appointments, extending the time a board member may continue to serve after member's term expires, authorizing appoint by the governor of a member pro tempore under certain conditions; relating to appeals, prohibiting valuation increases in certain appeals; relating to county appraisers, eligibility list, notification when person no longer holds office; appraisal standards; amending K.S.A. 72-5137, 74-2426, 74-2433, 74-2433f, 79-201x, 79-505, 79-1448, 79-1609 and 79-2005 and K.S.A. 2020 Supp. 19-432 and 72-5142 and repealing the existing sections."; and the substitute bill be passed.

Also, **HB 2237** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 74-50,222 is hereby amended to read as follows: 74-50,222. As used in K.S.A. 74-50,222, 74-50,223 and 79-32,267, and amendments thereto:

(a) "Institution of higher education" means a public or private nonprofit educational institution that meets the requirements of participation in programs under the higher education act of 1965, as amended, 34 C.F.R. § 600;

(b) "rural opportunity zone" means ~~Allen, Anderson, Barber, Bourbon, Brown, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Comanche, Decatur, Doniphan, Edwards, Elk, Ellsworth, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Haskell, Hodgeman, Jackson, Jewell, Kearny, Kingman, Kiowa, Labette, Lane, Lincoln, Linn, Logan, Marion, Marshall, Meade, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Republic, Rice, Rooks, Rush, Russell, Scott, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Trego, Thomas, Wabaunsee, Wallace, Washington, Wichita, Wilson or Woodson counties a county with a population of 40,000 persons or less;~~

(c) "secretary" means the secretary of commerce; and

(d) "student loan" means a federal student loan program supported by the federal government and a nonfederal loan issued by a lender such as a bank, savings and loan or credit union to help students and parents pay school expenses for attendance at an

institution of higher education.";

On page 2, in line 6, by striking "2023" and inserting "2026"; in line 15, by striking "2023" and inserting "2026"; in line 23, by striking "2024" and inserting "2027"; in line 29, by striking "2024" and inserting "2027"; in line 33, after "(1)" by inserting "(A)"; in line 34, by striking "2023" and inserting "2026"; in line 37, by striking "(2)" and inserting "(B)"; in line 40, by striking "(3)" and inserting "(C)"; in line 41, after "claimed" by inserting "; or

(2) (A) establishes domicile in a rural opportunity zone on or after July 1, 2021, and prior to January 1, 2026, and was domiciled in a metropolitan county as defined in K.S.A. 74-50,211, and amendments thereto, immediately prior to establishing their domicile in a rural opportunity zone in this state; and

(B) was domiciled in a rural opportunity zone during the entire taxable year for which such credit is claimed";

On page 3, in line 15, after "K.S.A." by inserting "74-50,222,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "defining rural opportunity zone on the basis of population; expanding eligibility for the income tax credit,"; also in line 3, after "K.S.A." by inserting "74-50,222,"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 181** be amended on page 1, in line 14, by striking the colon; in line 15, by striking "(A)" and inserting a comma; in line 16, by striking all after "lift"; by striking all in lines 17 and 18; in line 19, by striking "materials"; in line 27, after "(D)" by inserting "a dumbwaiter, conveyor, chain or bucket hoist, construction hoist or similar device used for the primary purpose of elevating or lowering materials;

(E)";

Also on page 1, in line 29, after the third comma by inserting "chain hoists, climb assists,"; in line 30, after "in" by inserting "wind turbine towers,";

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

On page 2, in line 21, by striking all after "facility"; in line 22, by striking all before the period; in line 36, by striking "are more stringent than" and inserting "meet or exceed"; also in line 36, by striking "or" and inserting "and any"; in line 37, after the period by inserting "Any city or county that has adopted such requirements or standards shall notify the state fire marshal of such adoption on or before June 30, 2022, and on each June 30 thereafter."; in line 43, by striking all after the period;

On page 3, in line 1, by striking all before "An"; in line 9, after the period by inserting "This subsection shall not apply to any individual employed as an elevator inspector by a city or county who performs inspections only while engaged in the performance of such individual's duties as an employee of such city or county.";

On page 4, in line 11, by striking "once" and inserting "six times";

On page 5, following line 9, by inserting:

"(e) Any city or county that has adopted requirements and standards that meet or exceed the requirements and standards of this act and any rules and regulations adopted pursuant thereto may issue an elevator contractor's license or elevator mechanic's license in accordance with such requirements and standards. Any such license shall specify that it is issued by such city or county. No such license shall be issued in lieu of

any license issued by the state fire marshal or authorize the licensee to perform work as an elevator contractor or elevator mechanic outside the jurisdiction of the issuing city or county.";

On page 9, following line 13, by inserting:

"(c) This section shall not apply to any elevator to be erected, constructed, installed or altered in any city or county that has adopted requirements or standards that meet or exceed the requirements or standards of this act and any rules and regulations adopted pursuant thereto.";

On page 10, following line 29, by inserting:

"(g) This section shall not apply to any elevator located in a city or county that has adopted requirements and standards that meet or exceed the requirements and standards of this act and any rules and regulations adopted pursuant thereto.";

On page 11, following line 7, by inserting:

"(d) This section shall not apply to any elevator located in a city or county that has adopted requirements and standards that meet or exceed the requirements and standards of this act and any rules and regulations adopted pursuant thereto. Any such city or county shall establish and maintain a registry of elevators located in such city or county that are in operation. Such registry shall include that information described in subsection (b)(1) through (6)."; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2115**, as amended by House Committee of the Whole, be amended on page 3, in line 42, by striking "Kansas register" and inserting "statute book"; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2367** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ways and Means** recommends **SB 154** be amended on page 1, in line 11, by striking all after "Section 1."; by striking all in lines 12 through 20; in line 21, by striking "(b)"; in line 36, by striking "2022" and inserting "2021";

On page 2, in line 1, by striking "\$12,379,000" and inserting "\$9,000,000"; in line 4, by striking "2022" and inserting "2021"; in line 5, by striking "2022" and inserting "2021"; also in line 5, by striking "7%" and inserting "5%"; in line 13, by striking "2023" and inserting "2022"; in line 14, by striking "\$11,353,000" and inserting "\$12,401,150"; in line 17, by striking "2023" and inserting "2022"; in line 18, by striking "2023" and inserting "2022"; also in line 18, by striking "6%" and inserting "2%"; by striking all in lines 22 through 36; in line 38, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "ending" by inserting "June 30, 2021, and"; also in line 4, by striking all after "2022,"; and the bill be passed as amended.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Thursday, March 25, 2021.

# Journal of the Senate

## FIFTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, March 25, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.

The roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

Blindness; The Springboard For Unity!  
Ecclesiastes 4:9

Heavenly Father, It was on March 24th in 1820, that You blessed this world with Fanny J. Crosby. When only a few weeks old, by Your Divine providence, she became permanently blind. But her physical blindness became a springboard for her to focus on seeing things from a more spiritual perspective. And You blessed her to write over 8,000 hymns, that 200 years later are still blessing Your people. Thank You for Fanny Crosby.

Now in a different way, You've blessed each of us with some blindness. You designed that each one of our two eyes, would have a blind spot. And each eye covers, or makes up for the other eye's blind spot. My right eye can see the spot, that my left eye is missing. And my left eye sees what escapes my right eye.

Lord, in a like manner, You've created us to need each other. For none of us can see, what others of us can see. And others of us cannot see, what some of us can see.

You said in Ecclesiastes 4:9, two people are better off than one, for they can help each other succeed. So, help us look out for one another; the left looking out for the right, and the right looking out for the left. Let our individual blindness become springboards of unity. And when we do it, the way You've designed for it to be done, we'll all be seeing things we didn't see before.

And Lord, You'll have us seeing the unseeable, achieving the unachievable, the impossible becoming possible. And all for the good of Your people. I humbly submit, to Your will and Your way. In the Name of Jesus. Amen

The Pledge of Allegiance was led by Vice President Wilborn.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 306**, AN ACT concerning sales taxation; relating to exemptions; providing an exemption for certain purchases by county ambulance service districts; amending K.S.A. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 307**, AN ACT concerning elections; relating to advance voting ballots; requiring

the return of such ballots by the day of the election; amending K.S.A. 2020 Supp. 25-1132 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 308**, AN ACT concerning health and healthcare; creating the healthcare individual rights affirmation act; mandating access to public places for individuals without facial coverings or vaccinations; requiring physicians to prescribe certain medications for off-label uses if requested by patients, by Committee on Federal and State Affairs.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **HB 2406**.

Utilities: **HB 2329**.

Committee of the Whole: **HCR 5015**.

#### REFERENCE OF APPOINTMENTS

The following appointments made by the Governor and submitted to the Senate for confirmation, were referred to Committees as indicated:

*Member, Kansas Racing and Gaming Commission:*

Brandon Jones, to serve a term ending January 15, 2025.

(Committee on Federal and State Affairs)

*Board Member, Kansas Development Finance Authority:*

Suchitra Padmanabhan, to serve a term ending January 15, 2025.

(Committee on Ways and Means)

#### MESSAGES FROM THE GOVERNOR

**SB 40** approved on March 24, 2021

Enclosed herewith is Executive Directive No 21-531 for your information. (March 15, 2021)

Enclosed herewith is Executive Directive No. 21-532 for your information. (March 19, 2021)

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2150**.

Announcing passage of **SB 37**.

Also, passage of **SB 58**, as amended; **SB 103**, as amended; **SB 107**, as amended; **SB 175**, as amended; passage of **Sub SB 238**, as amended.

The House accedes to the request of the Senate for a conference on **SB 36** and has appointed Representatives Proehl, Delperdang and Helgerson as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 86** and has appointed Representatives S. Johnson, Croft and Neighbor as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub HB 2066**, requests a conference and has appointed Representatives Tarwater, Croft and Clayton as conferees on the part of the House.

Announcing adoption of **HR 6009**, A RESOLUTION disapproving Executive Reorganization Order No. 47, renaming the Kansas department for children and families the Kansas department of human services and abolishing the Kansas department for aging and disability services and transferring powers, duties and functions to the Kansas department of human services.

Announcing passage of **SB 52**.

Announcing passage of **SB 38**, as amended; **SB 66**, as amended; **SB 89**, as amended; **SB 65**, as amended; **SB 90**, as amended; **SB 142**, as amended; **SB 143**, as amended; **SB 160**, as amended.

## **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2150** was thereupon introduced and read by title.

### **ORIGINAL MOTION**

On motion of Senator Alley, the Senate acceded to the request of the House for a conference on **Sub HB 2066**.

The Vice President appointed Senators Alley, Hilderbrand and Faust-Goudeau as conferees on the part of the Senate.

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

**HB 2007**, AN ACT concerning motor carriers; relating to the state corporation commission's regulation of motor carriers; updating and eliminating certain procedures for certificates of convenience and necessity and certificates of public service; revising certain laws to conform to federal regulation; amending K.S.A. 66-1,105, 66-1,108, 66-1,110, 66-1,111, 66-1,112, 66-1,112g, 66-1,112j, 66-1,114, 66-1,114b, 66-1,116, 66-1,119 and 66-1,141 and repealing the existing sections; also repealing K.S.A. 66-1,118, 66-1,119a, 66-1,140 and 66-1,142d, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**HB 2026**, AN ACT concerning crimes, punishment and criminal procedure; relating to diversion agreements; creating a certified drug abuse treatment program for people on diversion; providing for supervision by court services or community corrections; amending K.S.A. 22-2907, 75-5291 and 75-52,144 and K.S.A. 2020 Supp. 22-2909 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**HB 2071**, AN ACT concerning crimes, punishment and criminal procedure; relating to crimes against persons; increasing criminal penalties for stalking a minor; amending K.S.A. 2020 Supp. 21-5427 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**HB 2126**, AN ACT concerning adult care facilities; relating to civil liability for COVID-19 claims; providing immunity therefrom; modifying the definition of adult care facility; amending K.S.A. 2020 Supp. 60-5502, 60-5506 and 60-5508 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 7; Present and Passing 3; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Hawk, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Haley, Holland, Holscher, Pittman, Sykes, Ware.

Present and Passing: Pettey, Steffen, Straub.

The bill passed.

**HB 2155**, AN ACT concerning the department of health and environment; relating to water and soil pollutants; spill program; penalties; amending K.S.A. 65-171v and repealing the existing section; also repealing K.S.A. 65-171w, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Ware, Warren, Wilborn.

Nays: Erickson, Hilderbrand, Thompson, Tyson.

The bill passed.

**Sub HB 2166**, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the Braden's hope for childhood cancer, proud educator, Gadsden flag and alpha kappa alpha distinctive license plates; providing distinctive license plates for current and veteran members of the United States army, navy, marine corps, air force, coast guard and space force; modifying requirements to begin production on distinctive license plates; requiring reporting by sponsoring organizations of income and expenditures derived from certain distinctive license plate fees; allowing certain license plates issued by the division of vehicles to be personalized license plates; amending K.S.A. 2020 Supp. 8-132, 8-1,141, 8-1,142 and 8-1,147 and repealing the

existing sections, was considered on final action.

On roll call, the vote was: Yeas 31; Nays 5; Present and Passing 4; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Hawk, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Francisco, Holscher, Pittman, Sykes, Ware.

Present and Passing: Doll, Holland, McGinn, Pettey.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Chairman: AYE to **Sub HB 2166** relating to authorization of a new round of distinctive license auto plates. The good news is most of these new tags are beneficial to bona fide organizations; each with some particular direct connection to Kansas. The bad news is that an amendment added in committee (one small part of this bill) authorizes the Don't Tread on Me Flag whose creation is attributed to a South Carolinian slave trader who, allegedly, "owned" over 90 Africans as slaves, and "Gadsden Wharf", which was the largest port for slave importation in North America. I regret well-intentioned Kansans, many of whom know we came into this Union as a Free State and had little to do with the rest of our country's past in that regard, not knowing this despot's history may unwittingly sport "his" flag on a license tag because of its' catchy motto. But one of my late Uncle Alex (the author of ROOTS: An America Saga) Haley's most oft quoted sayings was "Find the good and praise it." So praises for the GOOD and worthy organizations that are the far predominance of proud future Kansas representations on many vehicles! And to hell with sanctioning of the codification in the Gadsden ("Don't Tread on Me") flag as an "official" part of the history of Kansas; which he and his sordid, debauchery-of-a-legacy never actually was.—DAVID HALEY

Mr. Vice President: I'd like to offer an explanation of my vote for **Sub HB 2166**. There is a certain taint with this bill; while there are many great organizations contained within it, the incorporation of the Gadsden flag, with it's history associated with racism, runs counter of recognizing Kansas as a free state. Additionally, the evolution of this particular flag as a symbol of the Jan. 6 insurrection seems to oppose the very essence of being a united nation.—CINDY HOLSCHER

Senators Francisco and Haley request the record to show they concur with the "Explanation of Vote" offered by Senator Holscher on **Sub HB 2166**.

**HB 2243**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; adjusting the frequency of the actuarial experience study; amending K.S.A. 74-4908 and 74-4908a and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson,

Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**S Sub HB 2252**, AN ACT concerning alcoholic beverages; relating to wineries; authorizing the issuance of fulfillment house licenses; eliminating the requirement for certain percentage of Kansas grown product; allowing the transfer and receipt of bulk wine; allowing the transfer and receipt of bulk alcoholic liquor and cereal malt beverage for canning and bottling purposes; requiring electronic submission of gallonage taxes by special order shipping licensees; authorizing the issuance of a drinking establishment license to manufacturers under certain conditions; eliminating the requirement of Kansas residency for licensure; amending K.S.A. 41-2632 and K.S.A. 2020 Supp. 41-102, 41-308a, 41-308b, 41-311, 41-311b, 41-350, 41-352, 41-2623, 41-2642 and 41-2703 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 8; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Ryckman, Straub, Suellentrop, Sykes, Ware, Wilborn.

Nays: Erickson, Gossage, Hilderbrand, Pyle, Steffen, Thompson, Tyson, Warren.

Present and Passing: Baumgardner, Holland.

The substitute bill passed.

**HB 2298**, AN ACT concerning service of process; relating to the secretary of state; nonresident drivers or their representatives; domestic or foreign business entities; amending K.S.A. 8-402 and K.S.A. 2020 Supp. 60-304 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Ware, Warren, Wilborn.

Nays: Hilderbrand, Thompson, Tyson.

The bill passed.

On motion of Senator Alley, the Senate recessed until the sound of the gavel.

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#### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Hilderbrand the Senate nonconcurred in the House amendments to **SB 175** and requested a conference committee be appointed.

The Vice President appointed Senators Hilderbrand, Gossage and Pettey as a conference committee on the part of the Senate.

On motion of Senator Hilderbrand the Senate nonconcurred in the House amendments to **Sub SB 238** and requested a conference committee be appointed.

The Vice President appointed Senators Hilderbrand, Gossage and Pettey as a conference committee on the part of the Senate.

On motion of Senator Warren the Senate nonconcurred in the House amendments to **SB 58** and requested a conference committee be appointed.

The Vice President appointed Senators Warren, Wilborn and Haley as a conference committee on the part of the Senate.

On motion of Senator Warren the Senate nonconcurred in the House amendments to **SB 103** and requested a conference committee be appointed.

The Vice President appointed Senators Warren, Wilborn and Haley as a conference committee on the part of the Senate.

On motion of Senator Warren the Senate nonconcurred in the House amendments to **SB 107** and requested a conference committee be appointed.

The Vice President appointed Senators Warren, Wilborn and Haley as a conference committee on the part of the Senate.

Senator Thompson moved the Senate concur in House amendments to **SB 24**.

**SB 24**, AN ACT concerning municipalities; prohibiting any requirements that impact a customer's use of energy; relating to the retail provision of natural gas and propane; creating the Kansas energy choice act.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

The Senate concurred.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on the motion to concur with the House changes to **SB 24**. I would prefer that a conference committee would meet to review the changes and the bill. I sympathize with the intent to not allow a municipality to prohibit a utility from providing a customer with natural gas or propane service. My concern is that this bill goes beyond that, creating limits that could prevent municipalities from adopting or enforcing building codes such as the International Fuel Gas Code that relates to safety requirements only imposed on natural gas or propane service. These codes are relied on by municipalities as they work to protect the safety of their residents. There should be a way to allow energy choice without unreasonably limiting the reasonable actions of a municipality.—MARCI FRANCISCO

Senators Haley and Hawk requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **SB 24**.

Senator Hilderbrand moved the Senate concur in House amendments to **SB 77**.

**SB 77**, AN ACT concerning health professions and practices; relating to audiologists and speech-language pathologists; licensure; enacting the audiology and speech-language pathology interstate compact.

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

Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Pyle, Tyson.

The Senate concurred.

### COMMITTEE OF THE WHOLE

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

On motion of Senator Peck the following report was adopted:

**SB 145, HB 2070, HB 2112, HB 2145** be passed.

**SB 158, HB 2254** be amended by the adoption of the committee amendments, and the bills be passed as amended.

Committee report on **HB 2072** recommending **S Sub HB 2072** be adopted, and the substitute bill be passed.

Senator Tyson moved to divide the question into two parts.

A substitute motion made to return **S Sub HB 2072** to committee failed.

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

On roll call, the vote was: Yeas 32; Nays 7; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Ryckman, Sykes, Ware, Warren, Wilborn.

Nays: Baumgardner, Peck, Steffen, Straub, Suellentrop, Thompson, Tyson.

Absent or Not Voting: Masterson.

Part One was retained.

Senator Tyson withdrew part two of the motion.

Committee report on **HB 2104** recommending **S Sub HB 2104** be adopted, be amended by motion of Senator Tyson; on page 18, following line 33, by inserting:

"Sec. 12. Section 1 of 2021 Senate Bill No. 13 is hereby amended to read as follows: Section 1. (a) On or before June 15 each year, the county clerk shall calculate the revenue neutral rate for each taxing subdivision and include such revenue neutral rate on the notice of the estimated assessed valuation provided to each taxing subdivision for budget purposes. The director of accounts and reports shall modify the prescribed budget information form to show the revenue neutral rate.

(b) No tax rate in excess of the revenue neutral rate shall be levied by the governing body of any taxing subdivision unless a resolution or ordinance has been approved by the governing body according to the following procedure:

(1) At least 10 days in advance of the public hearing, the governing body shall publish notice of its proposed intent to exceed the revenue neutral rate by publishing notice: (A) On the website of the governing body, if the governing body maintains a website; and

(B) in a weekly or daily newspaper of the county having a general circulation therein. The notice shall include, but not be limited to, its proposed tax rate, its revenue neutral rate and the date, time and location of the public hearing.

(2) On or before July ~~15~~ 20, the governing body shall notify the county clerk of its proposed intent to exceed the revenue neutral rate and provide the date, time and location of the public hearing and its proposed tax rate. For all tax years commencing after December 31, 2021, the county clerk shall notify each taxpayer with property in the taxing subdivision, by mail directed to the taxpayer's last known address, of the proposed intent to exceed the revenue neutral rate at least 10 days in advance of the public hearing. Alternatively, the county clerk may transmit the notice to the taxpayer by electronic means at least 10 days in advance of the public hearing, if such taxpayer and county clerk have consented in writing to service by electronic means. The county clerk shall consolidate the required information for all taxing subdivisions relevant to the taxpayer's property on one notice. The notice shall be in a format prescribed by the director of accounts and reports. The notice shall include, but not be limited to:

(A) The revenue neutral rate of each taxing subdivision relevant to the taxpayer's property;

(B) the proposed property tax revenue needed to fund the proposed budget of the taxing subdivision, if the taxing subdivision notified the county clerk of its proposed intent to exceed its revenue neutral rate;

(C) the proposed tax rate based upon the proposed budget and the current year's total assessed valuation of the taxing subdivision, if the taxing subdivision notified the county clerk of its proposed intent to exceed its revenue neutral rate;

(D) the tax rate and property tax of each taxing subdivision on the taxpayer's property from the previous year's tax statement;

(E) the appraised value and assessed value of the taxpayer's property for the current year;

(F) the estimates of the tax for the current tax year on the taxpayer's property based on the revenue neutral rate of each taxing subdivision and any proposed tax rates that exceed the revenue neutral rates;

(G) the difference between the estimates of tax based on the proposed tax rate and the revenue neutral rate on the taxpayer's property described in subparagraph (F) for any taxing subdivision that has a proposed tax rate that exceeds its revenue neutral rate; and

(H) the date, time and location of the public hearing of the taxing subdivision, if the taxing subdivision notified the county clerk of its proposed intent to exceed its revenue neutral rate.

Although the state of Kansas is not a taxing subdivision for purposes of this section, the notice shall include a statement of the statutory mill levies imposed by the state and the estimate of the tax for the current year on the taxpayer's property based on such levies.

(3) The public hearing to consider exceeding the revenue neutral rate shall be held not sooner than August ~~10~~ 20 and not later than September ~~10~~ 20. The governing body shall provide interested taxpayers desiring to be heard an opportunity to present oral testimony within reasonable time limits and without unreasonable restriction on the number of individuals allowed to make public comment. The public hearing may be conducted in conjunction with the proposed budget hearing pursuant to K.S.A. 79-2929,

and amendments thereto, if the governing body otherwise complies with all requirements of this section. Nothing in this section shall be construed to prohibit additional public hearings that provide additional opportunities to present testimony or public comment prior to the public hearing required by this section.

(4) A majority vote of the governing body, by the adoption of a resolution or ordinance to approve exceeding the revenue neutral rate, shall be required prior to adoption of a proposed budget that will result in a tax rate in excess of the revenue neutral rate. Such vote of the governing body shall be conducted at the public hearing after the governing body has heard from interested taxpayers. If the governing body approves exceeding the revenue neutral rate, the governing body shall not adopt a budget that results in a tax rate in excess of its proposed tax rate as stated in the notice provided pursuant to this section.

(c) Any governing body subject to the provisions of this section that does not comply with subsection (b) shall refund to taxpayers any property taxes over-collected based on the amount of the levy that was in excess of the revenue neutral rate. The provisions of this subsection shall not be construed as prohibiting any other remedies available under the law.

(d) Notwithstanding any other provision of law to the contrary, if the governing body of a taxing subdivision must conduct a public hearing to approve exceeding the revenue neutral rate under this section, the governing body of the taxing subdivision shall certify, on or before ~~September 20~~ October 1, to the proper county clerk the amount of ad valorem tax to be levied.

(e) As used in this section:

(1) "Taxing subdivision" means any political subdivision of the state that levies an ad valorem tax on property.

(2) "Revenue neutral rate" means the tax rate for the current tax year that would generate the same property tax revenue as levied the previous tax year using the current tax year's total assessed valuation. To calculate the revenue neutral rate, the county clerk shall divide the property tax revenue for such taxing subdivision levied for the previous tax year by the total of all taxable assessed valuation in such taxing subdivision for the current tax year, and then multiply the quotient by 1,000 to express the rate in mills. The revenue neutral rate shall be expressed to the third decimal place.

(f) In the event that a county clerk incurred costs of printing and postage that were not reimbursed pursuant to section 7, and amendments thereto, such county clerk may seek reimbursement from all taxing subdivisions required to send the notice. Such costs shall be shared proportionately by all taxing subdivisions that were included on the same notice based on the total property tax levied by each taxing subdivision. Payment of such costs shall be due to the county clerk by December 31.

(g) The provisions of this section shall take effect and be in force from and after January 1, 2021.

Sec. 13. K.S.A. 79-1801, as amended by section 3 of 2021 Senate Bill No. 13, is hereby amended to read as follows: 79-1801. (a) Except as provided by subsection (b), each year the governing body of any city, the trustees of any township, the board of education of any school district and the governing bodies of all other taxing subdivisions shall certify, on or before August 25, to the proper county clerk the amount of ad valorem tax to be levied. Thereupon, the county clerk shall place the tax upon the tax roll of the county, in the manner prescribed by law, and the tax shall be collected by

the county treasurer. The county treasurer shall distribute the proceeds of the taxes levied by each taxing subdivision in the manner provided by K.S.A. 12-1678a, and amendments thereto.

(b) Prior to January 1, 2021, if the governing body of a city or county must conduct an election for an increase in property tax to fund any appropriation or budget under K.S.A. 2020 Supp. 25-433a, and amendments thereto, the governing body of the city or county shall certify, on or before October 1, to the proper county clerk the amount of ad valorem tax to be levied. On and after January 1, 2021, if the governing body of a taxing subdivision must conduct a public hearing to approve exceeding the revenue neutral rate under section 1, and amendments thereto, the governing body of the taxing subdivision shall certify, on or before ~~September 20~~ October 1, to the proper county clerk the amount of ad valorem tax to be levied.";

Also on page 18, in line 35, after "79-1609" by inserting ", 79-1801, as amended by section 3 of 2021 Senate Bill No. 13,"; in line 36, after "72-5142" by inserting "and section 1 of 2021 Senate Bill No. 13";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after the semicolon by inserting "extending certain due dates relating to notice and hearing requirements to exceed the revenue neutral rate for purposes of property tax,"; in line 14, after "79-1609" by inserting ", 79-1801, as amended by section 3 of 2021 Senate Bill No. 13,"; in line 15, after the third "and" by inserting "section 1 of 2021 Senate Bill No. 13 and", and **S Sub HB 2104** be passed as amended.

**HB 2175** be passed over and retain a place on the calendar.

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

On motion of Senator Alley an emergency was declared by a 2/3 constitutional majority, and **SB 145, SB 158; HB 2070; S Sub HB 2072, S Sub HB 2104; HB 2112, HB 2145, HB 2254** were advanced to Final Action and roll call.

**SB 145**, AN ACT concerning the Kansas department of wildlife, parks and tourism; authorizing the purchase of land in Kingman county.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Ryckman, Steffen, Suellentrop, Sykes, Ware, Warren, Wilborn.

Nays: Baumgardner, Hilderbrand, Peck, Pyle, Straub, Thompson, Tyson.

The bill passed.

**SB 158**, AN ACT concerning abandoned and disabled vehicles; relating to the prohibition against towing vehicles outside the state of Kansas without prior consent; requiring an interstate search of registered owners and lienholders prior to sale of nonrepairable vehicles and vehicles less than 10 years old and publication in the newspaper seven days prior to sale of vehicles and property at auction; amending K.S.A. 8-1101 and K.S.A. 2020 Supp. 8-1103 and 8-1104 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**HB 2070**, AN ACT concerning postsecondary education; relating to certain private postsecondary educational institutions; acceptable methods of payment, credit card surcharges; amending K.S.A. 75-30,100 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Hilderbrand.

The bill passed.

**S Sub HB 2072**, AN ACT concerning the state corporation commission; relating to certain public utilities; authorizing the securitization of certain generating facilities and qualified extraordinary costs; providing for the approval and issuance of securitized utility tariff bonds; enacting the utility financing and securitization act; amending K.S.A. 66-1239 and K.S.A. 2020 Supp. 84-9-109 and repealing the existing sections.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Ryckman, Sykes, Ware, Warren, Wilborn.

Nays: Baumgardner, Peck, Steffen, Straub, Suellentrop, Thompson, Tyson.

The substitute bill passed.

#### EXPLANATION OF VOTE

Mr. Vice President: Energy policy in Kansas has inherent problems that have accumulated over a long period of time. These policy decisions are having negative consequences for Kansas ratepayers and our energy system as a whole. I am trying to protect the future of Kansas by making wise choices about how we provide energy to our citizens. The bill does include some important short-term relief for ratepayers as a result of the recent cold spell and those needs must be addressed...that is not in dispute. We can have a quick fix for these short-term problems. But, it is the long term rates and energy sources I am worried about. All residents need to have confidence in our long-term solutions so they can rest assured that Kansas will be a good place to live and work in the future for their children and grandchildren. Make Kansas more appealing than others because of our good decisions! Rate payers of Kansas...remember this discussion. I ask you to write down the price of your electrical bill today...then look at that number in 10 years. I vote No on **S Sub HB 2072**.—MIKE THOMPSON

Senators Baumgardner, Steffen, Straub, Suellentrop, and Tyson request the record to

show they concur with the “Explanation of Vote” offered by Senator Thompson on **S Sub HB 2072**.

**S Sub HB 2104**, AN ACT concerning property taxation; relating to school district levies, authorizing continuation of the statewide levy for schools and the exemption of a portion of residential property from such levy, extending the due date for budget to state board of education when revenue neutral rate hearing is required; extending certain due dates relating to notice and hearing requirements to exceed the revenue neutral rate for purposes of property tax; relating to the state board of tax appeals, orders and notices, service by electronic means, time to request full and complete opinion, judicial review, burden of proof in district court, appointments, extending the time a board member may continue to serve after member’s term expires, authorizing appoint by the governor of a member pro tempore under certain conditions; relating to appeals, prohibiting valuation increases in certain appeals; relating to county appraisers, eligibility list, notification when person no longer holds office; appraisal standards; amending K.S.A. 72-5137, 74-2426, 74-2433, 74-2433f, 79-201x, 79-505, 79-1448, 79-1609, 79-1801, as amended by section 3 of 2021 Senate Bill No. 13, and 79-2005 and K.S.A. 2020 Supp. 19-432 and 72-5142 and section 1 of 2021 Senate Bill No. 13 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O’Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Present and Passing: Francisco.

The substitute bill passed, as amended.

**HB 2112**, AN ACT concerning self-storage rental units; relating to sales by operators of property due to abandonment or nonpayment of rent; occupant’s designation of alternate contact; contractual value of property; amending K.S.A. 58-816 and K.S.A. 2020 Supp. 58-817 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O’Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Tyson.

The bill passed.

**HB 2145**, AN ACT concerning electric public utilities; relating to the state corporation commission; exempting retail sales of electricity through electric vehicle charging stations from commission jurisdiction; amending K.S.A. 66-104 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll,

Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Olson, Pyle.

The bill passed.

**HB 2254**, AN ACT concerning funeral preparations; relating to prearranged funeral agreements; increasing the monetary cap on irrevocable agreements; relating to preparation of bodies for a funeral or cremation; removing the requirement to provide a permit to cremate in certain circumstances; authorizing electronic permits to cremate; amending K.S.A. 65-1762 and 65-2426a and K.S.A. 2020 Supp. 16-303 and repealing the existing sections; also repealing K.S.A. 65-2429.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Peck, Tyson.

The bill passed, as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2244**, as amended by House Committee, be amended on page 2, following line 37, by inserting:

"Sec. 3. K.S.A. 2020 Supp. 2-3901 is hereby amended to read as follows: 2-3901.

(a) K.S.A. 2020 Supp. 2-3901 et seq., and amendments thereto, shall be known and may be cited as the commercial industrial hemp act.

(b) As used in the commercial industrial hemp act:

(1) "Commercial" means the cultivation or production of industrial hemp for purposes other than research as authorized under K.S.A. 2020 Supp. 2-3906, and amendments thereto.

(2) "Delta-9 tetrahydrocannabinol concentration" means the combined percentage of delta-9 tetrahydrocannabinol and its optical isomers, their salts and acids, and salts of their acids, reported as free THC:

(A) On a dry weight basis, of any part of the plant *cannabis sativa* L.; or

(B) on a percentage by weight basis in hemp products, waste or substances resulting from the production or processing of industrial hemp.

(3) "Effective disposal" includes, but is not limited to:

(A) Destruction; or

(B) any other method of disposing of industrial hemp or hemp products found to be in violation of this act that is permitted under the provisions of 7 U.S.C. § 1621 et seq. and any rules and regulations adopted thereunder.

(4) "Hemp products" means all products made from industrial hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption and ~~authorized seed or clone plants for cultivation, if the seeds originate from industrial hemp varieties any extract from~~

industrial hemp intended for further processing.

(5) "Hemp producer" means any individual, licensed or otherwise, engaging in the cultivation or production of industrial hemp for commercial purposes pursuant to K.S.A. 2020 Supp. 2-3906, and amendments thereto.

(6) "Hemp processor" means a person registered under K.S.A. 2020 Supp. 2-3907, and amendments thereto, to process and manufacture industrial hemp and hemp products.

(7) "Industrial hemp" means all parts and varieties of the plant *cannabis sativa* L., whether growing or not, that contain a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.

(8) "Person" means an individual, corporation, partnership, association, joint stock company, trust, unincorporated organization or any similar entity or any combination of the foregoing acting in concert.

(9) "Seed research" means research conducted to develop or recreate better strains of industrial hemp, particularly for the purpose of seed production.

(10) "State educational institution" means the university of Kansas, Kansas state university, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.

(11) "Authorized seed or clone plants" means a source of industrial hemp seeds or clone plants that:

(A) Has been certified by a certifying agency, as defined by K.S.A. 2-1415, and amendments thereto;

(B) has been produced from plants that were tested during the active growing season and were found to produce industrial hemp having a tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis and has been certified in writing by the grower or distributor of such seeds or clone plants to possess such qualities; or

(C) meets any other authorized standards approved by the Kansas department of agriculture through rules and regulations, except that no seed or clone plants shall be considered authorized seed or clone plants if they do not meet any standard adopted by the United States department of agriculture pursuant to 7 U.S.C. § 1621 et seq., and amendments thereto.";

On page 3, in line 18, by striking "A"; in line 19, by striking "fee" and inserting "fees";

On page 7, following line 16, by inserting:

"Sec. 6. K.S.A. 2020 Supp. 2-3908 is hereby amended to read as follows: 2-3908.

(a) (1) It shall be unlawful for any of the following hemp products to be manufactured, marketed, sold or distributed by any person in the state of Kansas:

(A) Cigarettes containing industrial hemp;

(B) cigars containing industrial hemp;

(C) chew, dip or other smokeless material containing industrial hemp;

(D) teas containing industrial hemp;

(E) liquids, solids or gases containing industrial hemp for use in vaporizing devices; and

(F) any other hemp product intended for human or animal consumption containing any ingredient derived from industrial hemp that is prohibited pursuant to the Kansas food, drug and cosmetic act, K.S.A. 65-636 et seq., and amendments thereto, and the

commercial feeding stuffs act, K.S.A. 2-1001 et seq., and amendments thereto. This subparagraph shall not otherwise prohibit the use of any such ingredient, including cannabidiol oil, in such hemp products.

(2) As used in this subsection:

(A) "Human or animal consumption" means:

- (i) Ingested orally; or
- (ii) applied by any means such that an ingredient derived from industrial hemp enters the human or animal body.

(B) "Intended for human or animal consumption" means:

- (i) Designed by the manufacturer for human or animal consumption;
- (ii) marketed for human or animal consumption; or
- (iii) distributed with the intent that it be used for human or animal consumption.

(b)(1) It shall be unlawful for any of the following hemp products to be marketed, sold or distributed to any person in Kansas who is not registered as a hemp processor pursuant to K.S.A. 2020 Supp. 2-3907, and amendments thereto, or who does not possess a license by the Kansas department of agriculture under any commercial plan established pursuant to K.S.A. 2020 Supp. 2-3906, and amendments thereto, or the research program established pursuant to K.S.A. 2020 Supp. 2-3902, and amendments thereto:

~~(A)~~ (A) Industrial hemp buds;

~~(B)~~ (B) ground industrial hemp floral material; ~~or~~

~~(C)~~ (C) ground industrial hemp leaf material; ~~or~~

(D) any extract from industrial hemp with a delta-9 tetrahydrocannabinol concentration greater than 0.3% that will be further processed.

(2) No license shall be required for the transport of hemp products described in paragraph (1) if such products are transported between hemp producers and hemp processors or between more than one hemp processor. Any such transportation of industrial hemp shall be subject to rules and regulations promulgated by the state fire marshal pursuant to this act.

(c) (1) Upon a first conviction for a violation of this section, a person shall be guilty of a class A nonperson misdemeanor.

(2) On a second or subsequent conviction for a violation of this section, a person shall be guilty of a severity level 9, nonperson felony.

(d) Nothing in this section shall prohibit:

(1) The use of any hemp product for research purposes by a state educational institution or affiliated entity; or

(2) the production, use or sale of any hemp product that is otherwise not prohibited by state or federal law.

(e) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2020 Supp. 2-3901 et seq., and amendments thereto.";

Also on page 7, in line 17, after "Supp." by inserting "2-3901,"; also in line 17, by striking "and" and inserting a comma; also in line 17, after "2-3907" by inserting "and 2-3908";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, after "Supp." by inserting "2-3901,"; also in line 6, by striking the first "and" and inserting a comma; also in line 6, after "2-3907" by inserting "and 2-3908"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2039**, as amended by House Committee, be passed.

Also, **HB 2085** be passed.

**HB 2287** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2287," as follows:

"Senate Substitute for HOUSE BILL No. 2287

By Committee on Education

"AN ACT concerning postsecondary education; relating to the state board of regents; creating the Kansas promise scholarship act and the Kansas promise scholarship program fund.";

And the substitute bill be passed.

Committee on **Financial Institutions and Insurance** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Commissioner of Insurance:

*Securities Commissioner of Kansas, Office of the Securities Commissioner of Kansas*: K.S.A. 2020 Supp. 75-6301

Daniel Klucas, serves at the pleasure of the Commissioner of Insurance.

Committee on **Judiciary** recommends **HB 2093**, as amended by House Committee, be amended on page 1, in line 10, by striking "willfully" and inserting "knowingly"; in line 14, by striking "willfully" and inserting "knowingly"; in line 23, by striking "willfully" and inserting "knowingly"; in line 27, after "pursuit" by inserting ", shall be guilty as provided by subsection (c)(2)";

On page 2, in line 2, by striking "willfully" and inserting "knowingly"; in line 4, by striking "willfully" and inserting "knowingly"; in line 6, by striking "willfully" and inserting "knowingly"; in line 8, after "driver" by inserting ", shall be guilty as provided by subsection (c)(3)"; and the bill be passed as amended.

Also, **HB 2121**, as amended by House Committee, be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2020 Supp. 21-5417 is hereby amended to read as follows: 21-5417. (a) Mistreatment of a dependent adult or an elder person is knowingly committing one or more of the following acts:

(1) Infliction of physical injury, unreasonable confinement or unreasonable punishment upon a dependent adult or an elder person;

(2) taking the personal property or financial resources of a dependent adult or an elder person for the benefit of the defendant or another person by taking control, title, use or management of the personal property or financial resources of a dependent adult or an elder person through:

(A) Undue influence, coercion, harassment, duress, deception, false representation, false pretense or without adequate consideration to such dependent adult or elder person;

(B) a violation of the Kansas power of attorney act, K.S.A. 58-650 et seq., and amendments thereto;

(C) a violation of the Kansas uniform trust code, K.S.A. 58a-101 et seq., and amendments thereto; or

(D) a violation of the act for obtaining a guardian or a conservator, or both, K.S.A.

59-3050 et seq., and amendments thereto; or

(3) omission or deprivation of treatment, goods or services that are necessary to maintain physical or mental health of such dependent adult or elder person.

(b) Mistreatment of a dependent adult or an elder person as defined in:

(1) (A) Subsection (a)(1) is a severity level 5, person felony, except as provided in subsection (b)(1)(B);

(B) subsection (a)(1) is a severity level 2, person felony, when the victim is a dependent adult who is a resident of an adult care home, as described in subsection (c)(2)(A), during the commission of the offense;

(2) subsection (a)(2) if the aggregate amount of the value of the personal property or financial resources is:

(A) \$1,000,000 or more is a severity level 2, person felony;

(B) at least \$250,000 but less than \$1,000,000 is a severity level 3, person felony;

(C) at least \$100,000 but less than \$250,000 is a severity level 4, person felony;

(D) at least \$25,000 but less than \$100,000 is a severity level 5, person felony;

(E) at least \$1,500 but less than \$25,000 is a severity level 7, person felony;

(F) less than \$1,500 is a class A person misdemeanor, except as provided in subsection (b)(2)(G); and

(G) less than \$1,500 and committed by a person who has, within five years immediately preceding commission of the crime, been convicted of a violation of this section two or more times is a severity level 7, person felony; and

(3) (A) subsection (a)(3) is a severity level 8, person felony, except as provided in subsection (b)(3)(B); and

(B) subsection (a)(3) is a severity level 5, person felony, when the victim is a dependent adult who is a resident of an adult care home, as described in subsection (c)(2)(A), during the commission of the offense.

(c) It shall be an affirmative defense to any prosecution for mistreatment of a dependent adult or an elder person as described in subsection (a)(2) that:

(1) The personal property or financial resources were given as a gift consistent with a pattern of gift giving to the person that existed before the dependent adult or elder person became vulnerable;

(2) the personal property or financial resources were given as a gift consistent with a pattern of gift giving to a class of individuals that existed before the dependent adult or elder person became vulnerable;

(3) the personal property or financial resources were conferred as a gift by the dependent adult or elder person to the benefit of a person or class of persons, and such gift was reasonable under the circumstances; or

(4) a court approved the transaction before the transaction occurred.

(d) No dependent adult or elder person is considered to be mistreated under subsection (a)(1) or (a)(3) for the sole reason that such dependent adult or elder person relies upon or is being furnished treatment by spiritual means through prayer in lieu of medical treatment in accordance with the tenets and practices of a recognized church or religious denomination of which such dependent adult or elder person is a member or adherent.

(e) As used in this section:

(1) "Adequate consideration" means the personal property or financial resources were given to the person as payment for bona fide goods or services provided by such

person and the payment was at a rate customary for similar goods or services in the community that the dependent adult or elder person resided in at the time of the transaction.

(2) "Dependent adult" means an individual 18 years of age or older who is unable to protect the individual's own interest. Such term shall include, but is not limited to, any:

(A) Resident of an adult care home including, but not limited to, those facilities defined by K.S.A. 39-923, and amendments thereto;

(B) adult cared for in a private residence;

(C) individual kept, cared for, treated, boarded, confined or otherwise accommodated in a medical care facility;

(D) individual with intellectual disability or a developmental disability receiving services through a community facility for people with intellectual disability or residential facility licensed under K.S.A. 2020 Supp. 39-2001 et seq., and amendments thereto;

(E) individual with a developmental disability receiving services provided by a community service provider as provided in the developmental disability reform act; or

(F) individual kept, cared for, treated, boarded, confined or otherwise accommodated in a state psychiatric hospital or state institution for people with intellectual disability.

(3) "Elder person" means a person 60 years of age or older.

(f) An offender who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any other offense in article 54, 55, 56 or 58 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2020 Supp. 21-6418, and amendments thereto.";

On page 3, following line 10, by inserting:

"Sec. 3. K.S.A. 22-2809 is hereby amended to read as follows: 22-2809. (a) Any person who is released on an appearance bond may be arrested by such person's surety or any person authorized by such surety and delivered to a custodial officer of the court in ~~any~~ the county in the state in which such person is charged where the complaint subject to the bond was filed. Such person who is arrested as provided in this section shall be brought before any magistrate having power to commit for the crime charged. The magistrate shall indorse on the bond, or a certified copy of such bond, the discharge of such surety upon the sworn statement, either written or oral, of the surety setting forth the reasons for the discharge. The magistrate may commit the party who is arrested as provided in this section. Such person committed as provided in this section shall be held in custody until released as provided by law.

(b) As used in this section, "custodial officer of the court" means the sheriff or the keeper of the jail in the county."

On page 6, in line 19, after the first "K.S.A." by inserting "22-2809 and"; also in line 19, after "Supp." by inserting "21-5417 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "increasing criminal penalty for mistreatment of a dependent adult or elder person when the victim is a resident of an adult care home;"; in line 2, after the second semicolon by inserting "surrender of obligor by surety; release of surety; requiring delivery to county where the complaint subject to the bond was filed; adding a definition of custodial officer of the

court"; in line 3, after the first "K.S.A." by inserting "22-2809 and"; also in line 3, after "Supp." by inserting "21-5417 and"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2238** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Public Health and Welfare** recommends **HB 2114**, as amended by House Committee of the Whole, be amended on page 1, in line 17, by striking the second "and"; in line 18, after "Kansas" by inserting "; and

(7) rebalancing of home and community based services"; and the bill be passed as amended.

Also, **HB 2116** be amended on page 21, in line 32, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

**HB 2224**, as amended by House Committee, be amended on page 3, in line 36, by striking "Kansas register" and inserting "statute book"; and the bill be passed as amended.

**HB 2279**, as amended by House Committee of the Whole, be amended on page 16, in line 30, before the comma by inserting "connection with any investigation of any holder of a license or certificate";

On page 18, in line 26, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 100** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 100," as follows:

"Substitute for SENATE BILL No. 100

By Committee on Transportation

"AN ACT concerning driving; relating to drivers' licenses; providing an exclusion from the additional 90-day period for suspended or revoked licenses; amending K.S.A. 2020 Supp. 8-262 and repealing the existing section.";

And the substitute bill be passed.

Also, **HB 2201** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2201," as follows:

"Senate Substitute for HOUSE BILL No. 2201

By Committee on Transportation

"AN ACT concerning transportation; relating to the Eisenhower legacy transportation program; decreasing the threshold amount required for alternate delivery projects; providing for the usage of federal stimulus funds for certain projects; calculating KDOT bonding and debt cap authority; amending K.S.A. 68-2320 and 68-2328 and K.S.A. 2020 Supp. 68-2314c, 68-2332 and 75-5094 and repealing the existing sections.";

And the substitute bill be passed.

**HB 2167** be amended on page 1, in line 29, after the period by inserting "The provisions of this paragraph shall not apply to such vehicle if such vehicle is registered as a farm truck."; and the bill be passed as amended.

**HB 2247**, as amended by House Committee of the Whole, be amended on page 1, in line 12, before "Section" by inserting "New"; in line 19, before "Sec." by inserting "New"; in line 25, before "Sec." by inserting "New"; in line 31, before "Sec." by inserting "New";

On page 2, in line 3, before "Sec." by inserting "New"; in line 9, before "Sec." by inserting "New"; following line 17, by inserting:

"New Sec. 7. The portion of K-7 from the junction of K-7 and K-10 in Johnson county, then south on K-7 to the junction of K-7 and west Santa Fe street is hereby designated as the Senator Bud Burke memorial highway. Upon compliance with K.S.A. 68-10,114, and amendments thereto, the secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the Senator Bud Burke memorial highway.

New Sec. 8. The portion of United States highway 77 from the western city limits of the city of Blue Rapids then west to the eastern city limits of the city of Waterville in Marshall county is hereby designated as the CPL Allen E Oatney and SP4 Gene A Myers memorial highway. Upon compliance with K.S.A. 68-10,114, and amendments thereto, the secretary of transportation shall place suitable signs to indicate that the highway is the CPL Allen E Oatney and SP4 Gene A Myers memorial highway.

Sec. 9. K.S.A. 68-1022 is hereby amended to read as follows: 68-1022. It shall be the duty of the secretary of transportation to designate and mark by suitable signs, those portions of established highways—~~which~~ that traverse the state from the historic Hollenberg pony express station near the city of Hanover to the old cattle shipping town of Elgin, and connecting historic sites on the Oregon trail and the cities of Council Grove and Cottonwood Falls, as the prairie parkway, which highways are described as follows: Beginning at the Hollenberg pony express station east of Hanover on highway K-243; thence west to highway K-15E and south on K-15E to its junction with highway U.S. 36; thence east on highway U.S. 36 to its junction with highway U.S. 77; thence south on highway U.S. 77 to that highway's junction with the western city limits of the city of Blue Rapids in Marshall county; thence south on highway U.S. 77 from its junction with highway K-9 in Marshall county to its junction with highway K-16 just north of Randolph; thence east on highway K-16 to a junction with Pottawatomie county federal aid secondary route 1208, one-half mile east of Olsburg, Pottawatomie county, Kansas; thence on F.A.S. route 1208 in a southerly direction approximately five and one-half miles; thence southeasterly to the junction of highway K-13 and F.A.S. route 1208; thence south and southwest on highway K-13 to that highway's junction with highway U.S. 24; thence following K-177 south from the junction of K-177 highway with interstate highway 70 to El Dorado; thence south on U.S. 77 - U.S. 54 to the east junction with U.S. 400; thence east on U.S. 400 from the western boundary of Greenwood county to its junction with highway K-99 near Severy; thence south on K-99 to the southern Kansas border near the city of Chautauqua.

Sec. 10. K.S.A. 68-1022 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 9, after "highway" by inserting "; designating a portion of K-7 as the Senator Bud Burke memorial highway; designating a portion of United States highway 77 as the CPL Allen E Oatney and SP4 Gene A Myers memorial highway; amending K.S.A. 68-1022 and repealing the existing section"; and the bill be passed as amended.

**HB 2295** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ways and Means** recommends **HB 2101**, as amended by House Committee, be passed.

Also, **HB 2079**, as amended by House Committee, be amended on page 6, following line 34, by inserting:

"(g) A state agency or state official shall not impose any annual filing or reporting requirements on a private foundation, as defined in 26 U.S.C. § 509(a), as in effect on July 1, 2021, or a charitable trust, as defined in 26 U.S.C. § 4947(a)(1), as in effect on July 1, 2021, that are more stringent, restrictive or expansive than such requirements in the Kansas Statutes Annotated or federal law.";

And the bill be passed as amended.

**HB 2087**, as amended by House Committee, be amended on page 2, in line 21, after "exceed" by inserting "\$1,000,000 over any two-year period from the effective date of this act through June 30, 2024, or exceed"; also in line 21, after "period" by inserting "on and after July 1, 2024";

On page 4, in line 35, after the first "the" by inserting "\$1,000,000 or";

On page 5, in line 14, after "than" by inserting "\$1,000,000 from the effective date of this act through June 30, 2024, or more than"; also in line 14, after "\$3,000,000" by inserting "on and after July 1, 2024,"; in line 27, after "than" by inserting "\$1,000,000 from the effective date of this act through June 30, 2024, or more than"; also in line 27, after "\$3,000,000" by inserting "on and after July 1, 2024,";

On page 6, in line 13, after "than" by inserting "\$1,000,000 from the effective date of this act through June 30, 2024, or greater than"; in line 14, after "\$3,000,000" by inserting "on and after July 1, 2024,"; and the bill be passed as amended.

**HB 2218** be amended on page 1, following line 7, by inserting:

"Section 1. K.S.A. 75-6501 is hereby amended to read as follows: 75-6501. (a) Within the limits of appropriations made or available therefor and subject to the provisions of appropriation acts relating thereto, the Kansas state employees health care commission shall develop and provide for the implementation and administration of a state health care benefits program. The state employees health care commission shall balance the healthcare needs of state employees at an affordable cost to the employees with the financial impact on the state.

(b) (1) Subject to the provisions of paragraph (2), the state health care benefits program may provide benefits for persons qualified to participate in the program for hospitalization, medical services, surgical services, nonmedical remedial care and treatment rendered in accordance with a religious method of healing and other health services. The program may include such provisions as are established by the Kansas state employees health care commission, including, but not limited to, qualifications for benefits, services covered, schedules and graduation of benefits, conversion privileges, deductible amounts, limitations on eligibility for benefits by reason of termination of employment or other change of status, leaves of absence, military service or other interruptions in service and other reasonable provisions as may be established by the commission.

(2) The state health care benefits program shall provide the benefits and services required by K.S.A. 75-6524, and amendments thereto.

(c) The Kansas state employees health care commission shall designate by rules and regulations those persons who are qualified to participate in the state health care benefits program, including active and retired public officers and employees and their dependents as defined by rules and regulations of the commission. Such rules and regulations shall not apply to students attending a state educational institution as defined in K.S.A. 76-711, and amendments thereto, who are covered by insurance contracts entered into by the board of regents pursuant to K.S.A. 75-4101, and

amendments thereto. In designating persons qualified to participate in the state health care benefits program, the commission may establish such conditions, restrictions, limitations and exclusions as the commission deems reasonable. Such conditions, restrictions, limitations and exclusions shall include the conditions contained in K.S.A. 75-6506(d), and amendments thereto. Each person who was formerly elected or appointed and qualified to an elective state office and who was covered immediately preceding the date such person ceased to hold such office by the provisions of group health insurance or a health maintenance organization plan under the law in effect prior to August 1, 1984, or the state health care benefits program in effect after that date, shall continue to be qualified to participate in the state health care benefits program and shall pay the cost of participation in the program as established and in accordance with the procedures prescribed by the commission if such person chooses to participate therein.

(d) (1) Commencing with the 2009 plan year that begins January 1, 2009, if a state employee elects the high deductible health plan and health savings account, the state's employer contribution shall equal the state's contribution to any other health benefit plan offered by the state. The cost savings to the state for the high deductible health plan shall be deposited monthly into the employee's health savings account up to the maximum annual amount allowed pursuant to 26 U.S.C. § 223(d), as amended, for as long as the employee participates in the high deductible plan.

(2) If the employee had not previously participated in the state health benefits plan, the employer shall calculate the average savings to the employer of the high deductible plan compared to the other available plans and contribute that amount monthly to the employee's health savings account up to the maximum annual amount allowed pursuant to 26 U.S.C. § 223(d), as amended.

(3) The employer shall allow additional voluntary contributions by the employee to their health savings account by payroll deduction up to the maximum annual amount allowed pursuant to 26 U.S.C. § 223(d), as amended.

(e) The commission shall have no authority to assess charges for employer contributions under the student health care benefits component of the state health care benefits program for persons who are covered by insurance contracts entered into by the board of regents pursuant to K.S.A. 75-4101, and amendments thereto.

(f) Nothing in this act shall be construed to permit the Kansas state employees health care commission to discontinue the student health care benefits component of the state health care benefits program until the state board of regents has contracts in effect that provide student coverage pursuant to the authority granted therefor in K.S.A. 75-4101, and amendments thereto.

(g) (1) On and after July 1, 2018, the commission shall designate claimants, as defined in K.S.A. 2020 Supp. 60-5004, and amendments thereto, as qualified to participate in the state health care benefits program. The commission shall implement this subsection in accordance with applicable federal law, including, but not limited to, the employee retirement income security act of 1974 and any regulations issued by the United States department of the treasury.

(2) A claimant shall have 31 calendar days from the date of judgment entered pursuant to K.S.A. 2020 Supp. 60-5004, and amendments thereto, to complete or decline enrollment in the state health care benefits program. A claimant shall be qualified to participate in the state health care benefits program for the remainder of the plan year when judgment is entered pursuant to K.S.A. 2020 Supp. 60-5004, and

amendments thereto, and for the next ensuing plan year. A claimant shall not be qualified to elect a high-deductible health plan and health savings account under the state health care benefits program.

(3) Costs of premiums under the state health care benefits program for a claimant shall be paid from the tort claims fund established by K.S.A. 75-6117, and amendments thereto, and shall not be charged to the claimant. A claimant shall be responsible to pay any applicable copayments, deductibles and other related costs under the state health care benefits program.

(4) A claimant may elect to include the claimant's dependents under the state health care benefits program. For any covered dependents, the claimant shall be responsible to pay the costs of premiums, copayments, deductibles and other related costs under the state health care benefits program.

(5) The secretary of health and environment or the secretary's designee shall provide assistance to a claimant to obtain and maintain coverage under the state health care benefits program pursuant to this subsection, including: Enrollment; maintenance of related records; and other assistance as may be required or incidental to implement this subsection.";

Also on page 1, in line 10, by striking "five" and inserting "seven"; in line 18, by striking "and"; in line 19, after "governor" by inserting "; (6) a member of the senate ways and means committee, appointed by the president of the senate; and (7) a member of the house of representatives appropriations committee, appointed by the speaker of the house of representatives"; in line 22, after the period by inserting "The member appointed by the president of the senate shall serve at the pleasure of the president of the senate, and the member appointed by the speaker of the house of representatives shall serve at the pleasure of the speaker of the house of representatives."; also in line 22, by striking "three" and inserting "five"; in line 24, by striking all after "be"; in line 25, by striking "governor" and inserting "the commissioner of insurance in odd-numbered years and the secretary of administration in even-numbered years"; in line 29, by striking "three" and inserting "four"; following line 35, by inserting:

"Sec. 3. K.S.A. 75-6509 is hereby amended to read as follows: 75-6509. Commencing with the regular session of the legislature in 1985 and with each regular session of the legislature thereafter, the Kansas state employees health care commission shall submit to the president of the senate and to the speaker of the house of representatives, on the day the governor's budget report is submitted to the legislature, recommendations with respect to the state health care benefits program together with estimates of the cost of the program proposed by the commission, including a five-year projection of the cost of the program, and the estimated cost of admitting each entity pursuant to ~~subsection (e) of K.S.A. 75-6506(c)~~, and amendments thereto. The recommendations shall include a report on the current and projected reserve balance, including as a percentage of total plan expenses. For any reserve balance over 10% of expected plan expenses for the next plan year, the commission shall provide recommendations for reducing reserves by minimizing increases to employee contributions or cost-sharing requirements. Together with the recommendations submitted, the commission shall include alternatives for cost containment and benefit coverage for qualified persons for both the proposed program and the five-year projected program. The commission shall also submit any recommendations for legislation with respect to the state health care benefits program.";

Also on page 1, in line 36, after "K.S.A." by inserting "75-6501,"; also in line 36, by striking "is" and inserting "and 75-6509 are";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, by striking all after "thereon"; by striking all in line 3; in line 4, by striking all before the semicolon and inserting "; providing responsibility to balance the healthcare needs of state employees with the financial impact on the state; requiring reports to the legislature on current and projected reserve balances in the state healthcare benefits program"; also in line 4, after "K.S.A." by inserting "75-6501,"; also in line 4, after "75-6502" by inserting "and 75-6509"; in line 5, by striking "section" and inserting "sections"; and the bill be passed as amended.

**HB 2405**, as amended by House Committee of the Whole, be amended on page 1, in line 9, by striking all after "(a)"; by striking all in lines 10 through 34;

On page 2, by striking all in lines 1 through 8; in line 9, by striking all before "the"; and the bill be passed as amended.

On motion of Senator Alley, the Senate adjourned Pro Forma until 8:30 a.m., March 26, 2021.

# Journal of the Senate

FIFTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, March 26, 2021, 8:30 a.m.

The Senate was called to order Pro Forma by Vice President Rick Wilborn.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 306**.

Federal and State Affairs: **SB 307**.

Judiciary: **SB 308**.

Public Health and Welfare: **HB 2150**.

## REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2239** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2239," as follows:

"Senate Substitute for HOUSE BILL No. 2239

By Committee on Assessment and Taxation

"AN ACT concerning income taxation; establishing the golden years homestead property tax freeze act, providing residential property tax refunds; collectively renaming homestead property relief as the golden years homestead property tax freeze program; relating to corporations, providing for an extension of the net operating loss carryforward period; amending K.S.A. 79-32,143 and repealing the existing section.";

And the substitute bill be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 199** be amended on page 2, by striking all in lines 11 through 24; and the bill be passed as amended.

## TRIBUTES

Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of March 22 through March 26, 2021:

Senator Dietrich: congratulating Cheryl Gleason on her retirement, congratulating the Washburn Rural High School Girls Wrestling Team on winning the 2021 6A State Championship, congratulating the Washburn Rural High School Boys Wrestling Team on winning the 2021 6A State Championship;

Senator Pittman: congratulating Mikayla Dougherty on achieving the rank of Eagle Scout, recognizing Jewish War Veterans Post #605 on their 125th Anniversary, recognizing the Andrew Newton American Legion Post #94 for their 2021 Black

History Event; and

Senator Pyle: joining Achievement Services of NE Kansas in honoring World Down Syndrome Day.

On motion of Senator Alley, the Senate adjourned until 1:30 p.m., Monday, March 29, 2021.

# Journal of the Senate

FIFTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, March 29, 2021, 1:30 p.m.

The Senate was called to order by President Ty Masterson.  
The roll was called with 39 senators present.  
Senator Suellentrop was excused.  
Invocation by Reverend Cecil T. Washington:

Balancing Law And Love  
3 John 1:1-4, Proverbs 13:24

Spirit of the Living God, You prompted Your messenger John; in 3 John 1:1-4, to communicate both the compassion of love and the firmness of truth. And Lord, we thank You for faithfully guiding us with the firmness of Your truth and protecting us with the compassion of Your love. Thank You for the balance of both.

You hold us to the codes necessary to regulate our behavior, the regulations needed for successful living. But You balance the restraining discipline of Your laws with the liberating power of Your love. For in Proverbs 13:24, You show that the compassion of love and the restraint of discipline are both needed.

So, help us to be like You. For law or policy without love is just empty regulation, while love or empathy without law is just weak flexibility. Help each one of us to be an example, a model of both Your law and Your love, Help us pour into others that balance that You pour into us.

I come to You in the Name of Him Who disciplines us, yet loved us to death. Amen!

The Pledge of Allegiance was led by President Masterson.

## POINT OF PERSONAL PRIVILEGE

Paris Cunningham and Blake Warrior were entered into the journal as guests of Senator Faust-Goudeau.

## CHANGE OF REFERENCE

The President withdrew **SB 286** from the Committee on **Assessment and Taxation**, and referred the bill to the Committee on **Judiciary**.

## MESSAGES FROM THE GOVERNOR

**SB 13** approved on March 26, 2021.

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2176**.

The House concurs in Senate amendments to **HB 2072**.

The House adopts the Conference Committee report on **HB 2022**.

The House nonconcurrs in Senate amendments to **HB 2104**, requests a conference and has appointed Representatives Adam Smith, Mason and Gartner as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 58** and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 103** and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 107** and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 175** and has appointed Representatives Landwehr, Eplee and Parker as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **Sub SB 238** and has appointed Representatives Landwehr, Eplee and Parker as conferees on the part of the House.

**ORIGINAL MOTION**

On motion of Senator Tyson, the Senate acceded to the request of the House for a conference on **S Sub HB 2104**.

The President appointed Senators Tyson, Alley and Holland as conferees on the part of the Senate.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2176** was thereupon introduced and read by title.

**CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

Senator Olson moved the Senate concur in House amendments to **SB 65**.

**SB 65**, AN ACT concerning economic development; relating to the high performance incentive fund; workforce training program participation requirements; transferability of tax credits; amending K.S.A. 74-50,133 and 79-32,160a and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Peck.

Absent or Not Voting: Suellentrop.

The Senate concurred.

Senator Olson moved the Senate concur in House amendments to **SB 66**.

**SB 66**, AN ACT concerning income taxation; relating to the Kansas angel investor tax credit act; qualified securities; tax credit limitations and amounts; investor requirements; qualified Kansas business designation requirements; bioscience businesses; program expiration date; expenditures to make principal dwelling accessible to persons with a disability; amending K.S.A. 74-8132, 74-8133, 74-8136 and 79-32,176a and repealing the existing sections.

On roll call, the vote was: Yeas 29; Nays 9; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Ryckman, Sykes, Ware, Wilborn.

Nays: Baumgardner, Erickson, Hilderbrand, McGinn, Peck, Steffen, Straub, Thompson, Tyson.

Present and Passing: Warren.

Absent or Not Voting: Suellentrop.

The Senate concurred.

Senator Olson moved the Senate concur in House amendments to **SB 90**.

**SB 90**, AN ACT concerning the Kansas rural housing incentive district act; (amending the definition of "city";) permitting the use of bond proceeds for vertical renovations of certain buildings for residential purposes; amending K.S.A. 12-5249 (and K.S.A. 2020 Supp. 12-5242) and repealing the existing (sections).

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Baumgardner, Hilderbrand, Steffen, Straub, Tyson.

Absent or Not Voting: Suellentrop.

The Senate concurred.

## FINAL ACTION ON CONSENT CALENDAR

**HB 2050, HB 2162, HB 2214, HB 2367** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**HB 2050**, AN ACT concerning the legislative division of post audit; removing the requirement to submit certain documents thereto; amending K.S.A. 22-4514a, 75-3728c, 76-721 and 79-3233b and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson,

Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Suellentrop.

The bill passed.

**HB 2162**, AN ACT concerning census data; relating to data used in adopting senatorial and representative district boundaries; conforming law with certain amendments to the Kansas constitution and repealing certain obsolete provisions; making conforming revisions to certain references; amending K.S.A. 11-210 and K.S.A. 2020 Supp. 11-201, 17-2205 and 45-229 and repealing the existing sections; also repealing K.S.A. 11-204, 11-205, 11-206, 11-207, 11-208, 11-301, 11-302, 11-303, 11-304, 11-305, 11-306 and 11-307.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Tyson.

Absent or Not Voting: Suellentrop.

The bill passed.

#### EXPLANATION OF VOTE

Mr. President: I vote "AYE" on **HB 2162**. This bill makes the necessary amendments in state law to require that the actual U.S. census enumeration data be used for reapportionment of legislative and State Board of Education districts. Prior to the adoption of the state constitutional amendment in 2019, Article 10 of the Kansas Constitution required that the population data provided by the U.S. Census Bureau be adjusted for college students and military personnel. With the adoption of that constitutional amendment, our statutory references to those adjustments should be repealed.—MARCI FRANCISCO

**HB 2214**, AN ACT concerning state property; authorizing the secretary of administration on behalf of the department of corrections to convey land in Mitchell county to the city of Beloit; providing the procedure for the conveyance; relating to the payment of costs; requiring approval by the attorney general.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Tyson.

Absent or Not Voting: Suellentrop.

The bill passed.

**HB 2367**, AN ACT concerning the state corporation commission; relating to public

utilities; authorizing regulation of certain wire stringing activities; amending K.S.A. 66-104 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Suellentrop.

The bill passed.

### COMMITTEE OF THE WHOLE

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

On motion of Senator Hilderbrand the following report was adopted:

**SB 290** be passed.

**HB 2134, HB 2165, HB 2167, HB 2203, HB 2218** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**HCR 5015** be adopted.

**SB 181** be amended by the adoption of the committee amendments, be further amended by motion of Senator Alley; on page 10, following line 12, by inserting:

"(c) This section shall not apply to any elevator located in a city or county that has adopted requirements or standards that meet or exceed the requirements or standards of this act and any rules and regulations adopted pursuant thereto.", and **SB 181** be passed as further amended.

### REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 263** be amended on page 1, in line 25, by striking "(i) for the taxable years commencing before January 1, 2021,"; in line 30, by striking "and"; by striking all in lines 31 through 36;

On page 2, in line 6, by striking "(i) for the taxable years commencing before January 1, 2021,"; in line 11, by striking "and"; by striking all in lines 12 through 17;

On page 1, in the title, in line 2, by striking all after the semicolon; in line 3, by striking all before "providing"; and the bill be passed as amended.

Also, **HB 2106** be amended on page 2, following line 3, by inserting:

"(3) For any tax year commencing after December 31, 2019, any taxpayer filing a return, other than a corporate tax return, shall file the return in the office of the director of taxation not later than the due date established under the federal internal revenue code, including any applicable extensions granted by the internal revenue service. No penalty authorized by K.S.A. 79-3228, and amendments thereto, shall be imposed if the return is filed not later than the deadline established by the internal revenue service. The taxpayer shall not be required to file an extension request with the director pursuant to this paragraph.";

On page 4, following line 15, by inserting:

"New Sec. 2. (a) Notwithstanding any other provision of law, for any individual

whose identity was fraudulently used to secure any type of compensation, if such individual never received such compensation, such compensation shall not be considered gross income and shall not be taxable for Kansas income tax purposes after determination by the department of revenue that the compensation was obtained fraudulently by another individual.

(b) The department of revenue shall provide a method for any taxpayer subject to the Kansas income tax act to report to the department of revenue whether such taxpayer was a victim of fraud due to identity theft and whether such fraud resulted in the reporting of any income to the federal internal revenue service. The report shall include, but not be limited to, the amount of the income reported to the federal internal revenue service due to fraud, if known.

Sec. 3. K.S.A. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction, except that the federal net operating loss deduction shall not be added to an individual's federal adjusted gross income for tax years beginning after December 31, 2016.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income

below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments thereto.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,204, and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203, and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to K.S.A. 79-32,117(c)(xv), and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xiii), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and

amendments thereto.

(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,256, and amendments thereto.

(xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xix) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer, to the extent the deduction is attributable to income reported on schedule C, E or F and on line 12, 17 or 18 of the taxpayer's form 1040 federal income tax return.

(xxi) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the taxpayer or the taxpayer's spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2020 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2020 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(xxvi) For all taxable years beginning after December 31, 2016, the amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 72-99a07, and amendments thereto, and is also claimed as an itemized deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to

the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas venture capital, inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(xv) For all taxable years beginning after December 31, 2017, the cumulative amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary that are contributed to: (1) A family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary; or (2) an achieving a better life experience (ABLE) account established under the Kansas ABLE savings program or a qualified ABLE program established and maintained by another state or agency or instrumentality thereof pursuant to section 529A of the internal revenue code of 1986, as amended, for the purpose of saving private funds to support an individual with a

disability. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 75-643 and 75-652, and amendments thereto, and the provisions of such sections are hereby incorporated by reference for all purposes thereof.

(xvi) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 Session Laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xviii) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income, not including guaranteed payments as defined in section 707(c) of the federal internal revenue code and as reported to the taxpayer from federal schedule K-1, (form 1065-B), in box 9, code F or as reported to the taxpayer from federal schedule K-1, (form 1065) in box 4, from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised

thereafter by the internal revenue service.

(xxi) For all taxable years beginning after December 31, 2013, amounts equal to the unreimbursed travel, lodging and medical expenditures directly incurred by a taxpayer while living, or a dependent of the taxpayer while living, for the donation of one or more human organs of the taxpayer, or a dependent of the taxpayer, to another person for human organ transplantation. The expenses may be claimed as a subtraction modification provided for in this section to the extent the expenses are not already subtracted from the taxpayer's federal adjusted gross income. In no circumstances shall the subtraction modification provided for in this section for any individual, or a dependent, exceed \$5,000. As used in this section, "human organ" means all or part of a liver, pancreas, kidney, intestine, lung or bone marrow. The provisions of this paragraph shall take effect on the day the secretary of revenue certifies to the director of the budget that the cost for the department of revenue of modifications to the automated tax system for the purpose of implementing this paragraph will not exceed \$20,000.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of net gain from the sale of: (1) Cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 24 months or more from the date of acquisition; and (2) other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 12 months or more from the date of acquisition. The subtraction from federal adjusted gross income shall be limited to the amount of the additions recognized under the provisions of subsection (b)(ix) attributable to the business in which the livestock sold had been used. As used in this paragraph, the term "livestock" shall not include poultry.

(xxiii) For all taxable years beginning after December 31, 2012, amounts received under either the Overland Park, Kansas police department retirement plan or the Overland Park, Kansas fire department retirement plan, both as established by the city of Overland Park, pursuant to the city's home rule authority.

(xxiv) For taxable years beginning after December 31, 2013, and ending before January 1, 2017, the net gain from the sale from Christmas trees grown in Kansas and held by the taxpayer for six years or more.

(xxv) For all taxable years beginning after December 31, 2020, amounts received by retired individuals under all retirement plans to the extent included in federal adjusted gross income.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

(f) No taxpayer shall be assessed penalties and interest from the underpayment of taxes due to changes to this section that became law on July 1, 2017, so long as such underpayment is rectified on or before April 17, 2018.";

Also on page 4, in line 16, by striking "is" and inserting "and 79-32,117 are"; in line 18, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "corporate"; in line 2, by striking "tax" and inserting "corporate"; also in line 2, after "filed" by inserting "; providing conformity with the federal return due date for returns other than corporate returns; relating to adjusted gross income; exempting compensation income attributable as a result of identity fraud; providing a subtraction modification for amounts received from retirement plans"; in line 3, after "79-3221" by inserting "and 79-32,117"; also in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Commerce** recommends **HB 2196** be amended by substituting a new bill to be designated as "Senate Substitute for Substitute for HOUSE BILL No. 2196," as follows:

"Senate Substitute for Substitute for HOUSE BILL No. 2196

By Committee on Commerce

"AN ACT concerning employment security; creating the unemployment compensation modernization and improvement council; providing for an audit to be conducted by the council; providing for development of a new unemployment insurance information technology system; claimant tax information website publication of trust fund data; maximum benefit period; charging of employer accounts for benefits paid; employment security board of review and emergency expansion thereof; employer contribution rate determination and schedules; crediting employer accounts for fraudulent or erroneous payments; services performed by petroleum landmen; lessor employment unit employee leasing restrictions; disclosure of information; shared work compensation program; establishing the my reemployment plan providing job search and job matching assistance to claimants and employers; providing for workforce training program availability for claimants; making and concerning appropriations for fiscal years 2021 through 2028; changing the benefit disqualification period for fraud; amending K.S.A. 44-758 and K.S.A. 2020 Supp. 44-703, 44-704, 44-705, 44-706, 44-709, 44-710, 44-710a, 44-710b, 44-714 and 44-757 and repealing the existing sections.";

And the substitute bill be passed.

Also, Committee on **Commerce** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:  
By the Governor:

*Secretary, Kansas Department of Labor: K.S.A. 75-5701*

Amber Shultz, to serve at the pleasure of the Governor.

Committee on **Federal and State Affairs** recommends **HB 2332**, as amended by House Committee, be amended on page 1, following line 8, by inserting:

"New Section 1. (a) The governor shall not have any authority to modify election laws or procedures by issuance of an executive order.

(b) Except as provided in subsection (c), neither the executive branch nor the judicial branch of state government shall have any authority to modify the state election laws.

(c) The secretary of state shall not enter into any consent decree or other agreement with any state or federal court regarding the enforcement of any election law or the alteration of any election procedure without specific approval of such consent decree by the legislative coordinating council.

(d) Nothing in this section shall be construed to limit or otherwise restrict the

judicial branch of state government in the exercise of any powers granted by article 3 of the constitution of the state of Kansas.

(e) If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of the section that can be given effect without the invalid provision or application, and, to this end, the provisions of this section are severable.

New Sec. 2. The secretary of state shall record and maintain a residential address and a mailing address for each registered voter. The residential address of a registered voter shall correspond to a physical location where the registered voter resides and shall not be a post office box or other address that cannot be used as a residence. The mailing address may be the same as the residential address but shall be recorded separately as the mailing address of the registered voter. The secretary shall record such information in any electronic database of registered voter information maintained by the secretary that is accessible by county election officers.";

On page 5, in line 4, after "(2)" by inserting "The application for an advance voting ballot included in such mailing shall be the official application for advance ballot by mail provided by the secretary of state. No portion of such application shall be completed prior to mailing such application to the registered voter.

(3) An application for an advance ballot shall include an envelope addressed to the appropriate county election office for the mailing of such advance ballot. In no case shall the person who mails the application direct that the completed advanced ballot application be returned to such person.

(4)";

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

Also on page 5, following line 30, by inserting:

"Sec. 4. K.S.A. 2020 Supp. 25-2423 is hereby amended to read as follows: 25-2423. (a) Election tampering is;

(1) ~~While being charged with no election duty,~~ Making or changing any election record ~~unless the person is lawfully carrying out an election duty;~~

(2) ~~changing or attempting to change, alter, destroy or conceal any vote cast by paper ballot, election machine or computer;~~

(3) ~~changing or attempting to change any vote by manipulating computer hardware, computer software, election machine, wireless or cellular transmission or vote tabulation methods; or~~

(4) ~~knowingly producing false vote totals.~~

(b) Election tampering is a severity level 7, nonperson felony.";

Also on page 5, in line 31, by striking "is" and inserting "and 25-2423 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "relating to advance voting ballots" and inserting "prohibiting the governor, the executive branch and the judicial branch from modifying election laws; limiting the authority of the secretary of state to enter into certain consent decrees in court without legislative coordinating council approval; directing the secretary of state to include mailing addresses for registered voters in electronic databases maintained by the secretary; expanding the crime of election tampering"; in line 5, after "25-1122" by inserting "and 25-2423"; in line 6, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 304** be passed.

Committee on **Public Health and Welfare** recommends **SB 212** be amended on page 1, following line 7, by inserting:

"New Section 1. (a) Notwithstanding any other provision of law, except as provided in subsection (b), a person shall be immune from civil liability for damages, administrative fines or penalties for exposing, potentially exposing or causing another to be exposed to infectious or contagious disease arising from such person's:

(1) Lack of immunization against such infectious or contagious disease;  
 (2) decision not to require employees to be immunized against such infectious disease; or

(3) decision to permit another who lacks immunization against such disease to enter any premises under the control of such person that is operated for any religious, civic, governmental, business or commercial purpose, whether for-profit or not-for-profit.

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

(1) (A) Immunizations required by federal law or regulation; or  
 (B) immunizations related to military service as defined in K.S.A. 48-3406, and amendments thereto; or

(2) civil liability when it is established that the act, omission or decision constituted gross negligence or willful, wanton or reckless conduct.

New Sec. 2. (a) It is an unlawful employment practice to engage in any adverse employment action against a person because of such person's decision to either receive or not receive a particular immunization.

(b) As used in this section:

(1) "Adverse employment action" means an ultimate employment decision involving hiring, firing, compensation, benefits or the failure to promote or grant leave.

(2) "Employer" means the same as in K.S.A. 44-1112, and amendments thereto.

(3) "Person" means individual, partnership, association, organization, corporation, legal representative, trustee, trustee in bankruptcy or receiver.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "public health" and inserting "immunizations; granting immunity from civil liability for exposure to disease resulting from lack of immunization; prohibiting an employer from taking adverse employment actions based upon an employee's immunization status"; and the bill be passed as amended.

Also, **HB 2151** be amended on page 1, in line 34, by striking the second "or"; in line 35, after "(G)" by inserting "a representative of the area agencies on aging; or

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

**HB 2209**, as amended by House Committee, be amended on page 23, in line 4, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Transparency and Ethics** recommends **HB 2096** be passed.

Also, **HB 2090**, as amended by House Committee, be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2020 Supp. 25-3801 is hereby amended to read as follows: 25-3801. (a) At each primary election, the members of the party residing in each precinct in each county of the state shall elect a man of their number as precinct committeeman and a woman of their number as precinct committeewoman. No person shall be eligible to

be a candidate for or hold the office of precinct committeeman or precinct committeewoman of a party in any precinct unless ~~such the~~ person actually ~~lives, resides and occupies a place of abode~~ in ~~such the~~ precinct, and is in all other respects a qualified elector and is shown as a member of ~~such the~~ party on the party affiliation list, in the office of the county election officer. Except as provided in subsection (b), any vacancy occurring in the office of precinct committeeman or committeewoman shall be promptly filled by appointment by the county chairperson, except that any vacancy which occurs because the party had no candidate at ~~such the~~ primary election shall not be filled until the county central committee has elected or reelected its chairperson. Not later than three days after appointment of precinct committeemen and committeewomen, the county chairperson making the appointments shall notify the county election officer of ~~such the~~ appointments. The county election officer shall make ~~such the~~ appointments public immediately upon receipt thereof. As used in this act, "primary election" means the statewide election held in August of even-numbered years.

(b) When a convention is to be held under article 39 of chapter 25 of Kansas Statutes Annotated, and amendments thereto, to fill a vacancy, no appointments shall be made under subsection (a): (1) After the county chairperson has received notice from the county election officer of a vacancy or a pending vacancy in a county elected office; or (2) after the county chairperson in each county, all or a part of which, is located within a legislative district has received notice from the secretary of state of a vacancy or a pending vacancy in a legislative office.

After the vacancy has been filled by a person elected at a convention held under article 39 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, any vacancy in the office of precinct committeeman or committeewoman shall be filled as provided by subsection (a).

(c) All precinct committeemen, committeewomen and appointees shall report to the county election officer within three days after the election or appointment of such committeeman, committeewoman or appointee their address, phone number and, if available, such person's email address.;

On page 3, in line 28, after "73-219" by inserting "and K.S.A. 2020 Supp. 25-3801";  
And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the first semicolon by inserting "requiring precinct committeemen and committeewomen to report certain information to the county clerk;"; in line 3, after the second "and" by inserting "K.S.A. 2020 Supp. 25-3801 and"; and the bill be passed as amended.

**HB 2390** be amended on page 18, following line 23, by inserting:

"Sec. 9. K.S.A. 2020 Supp. 45-217 is hereby amended to read as follows: 45-217. As used in the open records act, unless the context otherwise requires:

(a) "Business day" means any day other than a Saturday, Sunday or day designated as a holiday by the congress of the United States, by the legislature or governor of this state or by the respective political subdivision of this state.

(b) "Clearly unwarranted invasion of personal privacy" means revealing information that would be highly offensive to a reasonable person, including information that may pose a risk to a person or property and is not of legitimate concern to the public.

(c) "Criminal investigation records" means: (1) Every audio or video recording made and retained by law enforcement using a body camera or vehicle camera as

defined by K.S.A. 2020 Supp. 45-254, and amendments thereto; and (2) records of an investigatory agency or criminal justice agency as defined by K.S.A. 22-4701, and amendments thereto, compiled in the process of preventing, detecting or investigating violations of criminal law, but does not include police blotter entries, court records, rosters of inmates of jails or other correctional or detention facilities or records pertaining to violations of any traffic law other than vehicular homicide as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 2020 Supp. 21-5406, and amendments thereto.

(d) "Custodian" means the official custodian or any person designated by the official custodian to carry out the duties of custodian of this act.

(e) "Cybersecurity assessment" means an investigation undertaken by a person, governmental body or other entity to identify vulnerabilities in cybersecurity plans.

(f) "Cybersecurity plan" means information about a person's information systems, network security, encryption, network mapping, access control, passwords, authentication practices, computer hardware or software or response to cybersecurity incidents.

(g) "Cybersecurity vulnerability" means a deficiency within computer hardware or software, or within a computer network or information system, that could be exploited by unauthorized parties for use against an individual computer user or a computer network or information system.

(h) "Official custodian" means any officer or employee of a public agency who is responsible for the maintenance of public records, regardless of whether such records are in the officer's or employee's actual personal custody and control.

~~(f)~~(i) (1) "Public agency" means the state or any political or taxing subdivision of the state or any office, agency or instrumentality thereof, or any other entity receiving or expending and supported in whole or in part by the public funds appropriated by the state or by public funds of any political or taxing subdivision of the state.

(2) "Public agency" ~~shall does~~ not include:

(A) Any entity solely by reason of payment from public funds for property, goods or services of such entity; or (B) any municipal judge, judge of the district court, judge of the court of appeals or justice of the supreme court.

~~(g)~~(j) (1) "Public record" means any recorded information, regardless of form, characteristics or location, which is made, maintained or kept by or is in the possession of:

(A) Any public agency; or

(B) any officer or employee of a public agency pursuant to the officer's or employee's official duties and which is related to the functions, activities, programs or operations of any public agency.

(2) "Public record" ~~shall include~~ includes, but is not ~~be~~ limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund.

(3) Notwithstanding the provisions of subsection ~~(g)~~ ~~(j)~~(1), "public record" ~~shall does~~ not include:

(A) Records ~~which that~~ are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds. As used in this subparagraph, "private person" ~~shall does~~ not include an officer or employee of a public agency who is acting pursuant to the officer's or employee's official duties;

(B) records ~~which that~~ are made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state; or

(C) records of employers related to the employer's individually identifiable contributions made on behalf of employees for workers compensation, social security, unemployment insurance or retirement. The provisions of this subparagraph shall not apply to records of employers of lump-sum payments for contributions as described in this subparagraph paid for any group, division or section of an agency.

~~(H)~~(k) "Undercover agent" means an employee of a public agency responsible for criminal law enforcement who is engaged in the detection or investigation of violations of criminal law in a capacity where such employee's identity or employment by the public agency is secret.

Sec. 10. K.S.A. 2020 Supp. 45-221 is hereby amended to read as follows: 45-221.

(a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 75-4315d, and amendments thereto, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 75-4315d, and amendments thereto, to restrict or prohibit disclosure.

(2) Records ~~which that~~ are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records ~~which that~~ pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information ~~which that~~ would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information ~~which that~~ would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records ~~which that~~ show only passage or failure and not specific scores.

(10) Criminal investigation records, except as provided herein. The district court, in

an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

- (A) Is in the public interest;
- (B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;
- (C) would not reveal the identity of any confidential source or undercover agent;
- (D) would not reveal confidential investigative techniques or procedures not known to the general public;
- (E) would not endanger the life or physical safety of any person; and
- (F) would not reveal the name, address, phone number or any other information ~~which that~~ specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of ~~paragraphs subparagraphs~~ (A) through (F) that necessitate closure of that public record.

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.

(12) Records of emergency or security information or procedures of a public agency, if disclosure would jeopardize public safety, including records of cybersecurity plans, cybersecurity assessments and cybersecurity vulnerabilities or procedures related to cybersecurity plans, cybersecurity assessments and cybersecurity vulnerabilities, or plans, drawings, specifications or related information for any building or facility which that is used for purposes requiring security measures in or around the building or facility or which that is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence ~~which that~~ is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or ~~which that~~ is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

- (A) The information ~~which that~~ the agency maintains on computer facilities; and
- (B) the form in which the information can be made available using existing

computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications ~~which that~~ are prepared by a person other than an employee of a public agency or records ~~which that~~ are the property of a private person.

(19) Well samples, logs or surveys ~~which that~~ the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body ~~which that~~ has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body ~~which that~~ has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records ~~which that~~ pertain to identifiable individuals.

(24) Records ~~which that~~ are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records ~~which that~~ represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate or release, except that:

(A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations;

conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or location of parole office maintaining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;

(B) the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or any other information which specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall not be disclosed; and

(D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(33) Financial information submitted by contractors in qualification statements to any public agency.

(34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(35) Any report or record ~~which that~~ is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and ~~which that~~ is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(36) Information ~~which that~~ would reveal the precise location of an archeological site.

(37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 40-2c20 and 40-2d20, and amendments thereto.

(39) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to K.S.A. 40-409(b), and amendments thereto.

(40) Disclosure reports filed with the commissioner of insurance under K.S.A. 40-2,156(a), and amendments thereto.

(41) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

(42) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact.

(43) Market research, market plans, business plans and the terms and conditions of managed care or other third-party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital ~~which~~ that the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.

(44) The amount of franchise tax paid to the secretary of revenue or the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.

(45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; or (C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.

(46) Any information or material received by the register of deeds of a county from military discharge papers, DD Form 214. Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the commissioner of veterans affairs, to a person conducting research.

(47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault.

(48) Policy information provided by an insurance carrier in accordance with K.S.A. 44-532(h)(1), and amendments thereto. This exemption shall not be construed to

preclude access to an individual employer's record for the purpose of verification of insurance coverage or to the department of labor for their business purposes.

(49) An individual's e-mail address, cell phone number and other contact information ~~which that~~ has been given to the public agency for the purpose of public agency notifications or communications which are widely distributed to the public.

(50) Information provided by providers to the local collection point administrator or to the 911 coordinating council pursuant to the Kansas 911 act, and amendments thereto, upon request of the party submitting such records.

(51) Records of a public agency on a public website ~~which that~~ are searchable by a keyword search and identify the home address or home ownership of a law enforcement officer as defined in K.S.A. 2020 Supp. 21-5111, and amendments thereto, parole officer, probation officer, court services officer or community correctional services officer. Such individual officer shall file with the custodian of such record a request to have such officer's identifying information restricted from public access on such public website. Within 10 business days of receipt of such requests, the public agency shall restrict such officer's identifying information from such public access. Such restriction shall expire after five years and such officer may file with the custodian of such record a new request for restriction at any time.

(52) Records of a public agency on a public website ~~which that~~ are searchable by a keyword search and identify the home address or home ownership of a federal judge, a justice of the supreme court, a judge of the court of appeals, a district judge, a district magistrate judge, a municipal judge, the United States attorney for the district of Kansas, an assistant United States attorney, a special assistant United States attorney, the attorney general, an assistant attorney general, a special assistant attorney general, a county attorney, an assistant county attorney, a special assistant county attorney, a district attorney, an assistant district attorney, a special assistant district attorney, a city attorney, an assistant city attorney or a special assistant city attorney. Such person shall file with the custodian of such record a request to have such person's identifying information restricted from public access on such public website. Within 10 business days of receipt of such requests, the public agency shall restrict such person's identifying information from such public access. Such restriction shall expire after five years and such person may file with the custodian of such record a new request for restriction at any time.

(53) Records of a public agency that would disclose the name, home address, zip code, e-mail address, phone number or cell phone number or other contact information for any person licensed to carry concealed handguns or of any person who enrolled in or completed any weapons training in order to be licensed or has made application for such license under the personal and family protection act, K.S.A. 75-7c01 et seq., and amendments thereto, shall not be disclosed unless otherwise required by law.

(54) Records of a utility concerning information about cyber security threats, attacks or general attempts to attack utility operations provided to law enforcement agencies, the state corporation commission, the federal energy regulatory commission, the department of energy, the southwest power pool, the North American electric reliability corporation, the federal communications commission or any other federal, state or regional organization that has a responsibility for the safeguarding of telecommunications, electric, potable water, waste water disposal or treatment, motor fuel or natural gas energy supply systems.

(55) Records of a public agency containing information or reports obtained and prepared by the office of the state bank commissioner in the course of licensing or examining a person engaged in money transmission business pursuant to K.S.A. 9-508 et seq., and amendments thereto, shall not be disclosed except pursuant to K.S.A. 9-513c, and amendments thereto, or unless otherwise required by law.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer ~~which that~~ may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" ~~shall does~~ not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material ~~which that~~ is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record ~~which that~~ is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions ~~which that~~ are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record ~~which that~~ pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record ~~which that~~ has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

(g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.":

On page 28, in line 25, after "40-4913," by inserting "45-217, 45-221,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "creating exemptions in the open records act for cybersecurity assessments, plans and vulnerabilities;"; in line 5, after the comma by inserting "45-217, 45-221,"; and the bill be passed as amended.

**HB 2391**, as amended by House Committee, be amended on page 1, following line 19, by inserting:

"New Section 1. Notwithstanding the provisions of K.S.A. 75-1005(a), and

amendments thereto, for the purpose of fulfilling public printing and binding requirements provided by law, the secretary of state may utilize the printing or binding services of the division of printing or, in the discretion of the secretary of state, may acquire printing or binding services in accordance with the purchasing and procurement laws applicable to state agencies.";

On page 12, in line 14, before "business" by inserting "past due"; also in line 14, by striking all after "for"; in line 15, by striking all before "and" and inserting "the immediately preceding 10 years";

On page 24, following line 29, by inserting:

"Sec. 24. On and after January 1, 2023, K.S.A. 2020 Supp. 17-76,146 is hereby amended to read as follows: 17-76,146. (a) A domestic limited liability company whose articles of organization or a foreign limited liability company whose authority to do business has been canceled or forfeited pursuant to K.S.A. 2020 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, or whose articles of organization or authority to do business has been forfeited pursuant to K.S.A. 17-76,139(d), and amendments thereto, may be reinstated by filing with the secretary of state a certificate of reinstatement accompanied by the payment of the fee required by K.S.A. 17-76,136(d), and amendments thereto, and payment of the annual business entity information report fees due under K.S.A. 17-76,139(c), and amendments thereto, and all penalties and interest thereon due at the time of the cancellation or forfeiture of its articles of organization or authority to do business for all past due reports for the immediately preceding 10 years, and payment to the secretary of state an amount equal to all fees and any penalties due. The certificate of reinstatement shall set forth:

(1) The name of the limited liability company at the time its articles of organization or authority to do business was canceled or forfeited and, if such name is not available at the time of reinstatement, the name under which the limited liability company is to be reinstated;

(2) the address of the limited liability company's registered office in the state of Kansas and the name and address of the limited liability company's resident agent in the state of Kansas;

(3) a statement that the certificate of reinstatement is filed by one or more persons authorized to execute and file the certificate of reinstatement to reinstate the limited liability company; and

(4) any other matters the persons executing the certificate of reinstatement determine to include therein.

(b) The certificate of reinstatement shall be deemed to be an amendment to the articles of organization or application for registration of the limited liability company, and the limited liability company shall not be required to take any further action to amend its articles of organization or application for registration under K.S.A. 17-7674 or K.S.A. 2020 Supp. 17-7935, and amendments thereto, with respect to the matters set forth in the certificate of reinstatement.

(c) Upon the filing of a certificate of reinstatement, a limited liability company and all series thereof that have been formed and whose certificate of designation has not been canceled prior to the cancellation of the articles of organization shall be reinstated with the same force and effect as if its articles of organization or authority to do business had not been canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2020 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto. Such

reinstatement shall validate all contracts, acts, matters and things made, done and performed by the limited liability company, its members, managers, employees and agents during the time when its articles of organization or authority to do business was canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2020 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, with the same force and effect and to all intents and purposes as if the articles of organization or authority to do business had remained in full force and effect. All real and personal property, and all rights and interests, which belonged to the limited liability company at the time its articles of organization or authority to do business was canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2020 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, or which were acquired by the limited liability company following the cancellation or forfeiture of its articles of organization or authority to do business pursuant to K.S.A. 17-76,139(d) or K.S.A. 2020 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, and which were not disposed of prior to the time of its reinstatement, shall be vested in the limited liability company after its reinstatement as fully as they were held by the limited liability company at, and after, as the case may be, the time its articles of organization or authority to do business was canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2020 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto. After its reinstatement, the limited liability company shall be as exclusively liable for all contracts, acts, matters and things made, done or performed in its name and on its behalf by its members, managers, employees and agents prior to its reinstatement as if its articles of organization or authority to do business had at all times remained in full force and effect.";

Also on page 24, in line 37, by striking all after the third comma; by striking all in line 38; in line 39, by striking "designation" and inserting "for all past due reports for the immediately preceding 10 years, and payment to the secretary of state an amount equal to all fees and any penalties due";

On page 32, in line 25, by striking "29" and inserting "31";

On page 33, following line 33, by inserting:

"Sec. 34. K.S.A. 45-106 is hereby amended to read as follows: 45-106. The secretary of state shall dispose of the laws passed at each session of the legislature, immediately after their publication, as follows:

*First.* Deposit in the state library such numbers of copies as are needed for use in the state library, for the purposes of the publication collection and depository system established under K.S.A. 75-2566, and amendments thereto, and for the purpose of making exchanges with the libraries of the several states and territories.

*Second.* Distribute: (a) One copy to the governor, lieutenant governor, each member of the state legislature, attorney general, secretary of state; and state historical society library, upon request therefor; (b) to each organized city of the first, second and third classes in this state requesting the same; (c) one copy each to the clerk of the United States court of appeals for the 10<sup>th</sup> circuit, to the clerk of the United States district court for Kansas and to the United States marshal for the district of Kansas, upon request therefor; (d) to the law department of the university of Kansas, not more than 10 copies and to the Washburn university school of law, not more than 10 copies, upon request therefor; (e) to the director of legislative administrative services such number of copies as such director shall request for use by the legislature; (f) to the office of revisor of statutes such number of copies as the revisor of statutes shall request for use in such

office; (g) to the legislative research department such number of copies as the director of legislative research shall request for use in such office; (h) to the division of post audit such number of copies as the post auditor shall request for use in such office; (i) to the several offices of the judicial branch of state government such number of copies as the chief justice of the supreme court shall request for use in such offices; and (j) to the supreme court law library such number of copies as the state law librarian shall request for use in the law library and for the purpose of maintaining exchanges for books, documents and publications of a legal nature for use in the law library.

*Third.* To the clerk of the board of county commissioners of each county, upon request therefor, a sufficient number of copies of the laws to be distributed by such clerk to each of the following officers in such county, allowing one for each: The district attorney or county attorney, register of deeds, county clerk, county treasurer, sheriff; and the board of county commissioners.

*Fourth.* Copies of the laws passed at each session of the legislature shall be deposited with the state librarian and such librarian is hereby authorized to furnish one copy to each high school, college, university; and public library in the state of Kansas, upon written application of its managing officer to the state librarian.

Sec. 35. K.S.A. 2020 Supp. 45-107 is hereby amended to read as follows: 45-107. (a) The secretary of state shall sell copies of the session laws at the per volume price for such copies fixed by the secretary of state under this section. The secretary of state shall remit all moneys received under this section 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 information and services fee fund of the secretary of state.

(b) Whenever the inventory of copies of any volume of the session laws exceeds 100 and a later volume of the session laws has been published, the secretary of state may dispose of copies of such volume without making a charge therefor until the inventory of such volume is reduced to 100 copies. When the inventory of any volume of the session laws is 100 copies or less, the secretary of state, with the approval of the revisor of statutes, may dispose of copies from such inventory without making a charge therefor.

(c) The secretary of state shall fix ~~by rules and regulations~~ the per volume price for copies of the session laws sold under this section to recover the costs of ~~printing, binding, publishing and storing such volumes, whether published in print or electronic form~~. The secretary of state shall revise all such prices from time to time as necessary for the purposes of covering and recovering such costs.";

On page 38, following line 4, by inserting:

"Sec. 37. K.S.A. 45-315 is hereby amended to read as follows: 45-315. ~~The secretary of state shall furnish to the state printer, within twenty (20) days after the sine die adjournment of each legislative session occurring in odd-numbered years and within forty (40) days after the sine die adjournment of the legislative session occurring in even-numbered years, a copy of all acts, resolutions and other matters except the index which are required to be published and bound in the session laws, and in the form required by K.S.A. 45-301. Thereupon~~ After the sine die adjournment of each legislative session, the state printer and the secretary of state shall complete preparation and printing of at least a limited number of each volume of the session laws for publication on or before July 1 of such year. The state printer shall thereafter, as rapidly as

practicable, print and deliver to the secretary of state bound copies as provided by law.";

On page 41, in line 33, by striking all after "state"; in line 34, by striking all before the period and inserting ", and all past due business entity information reports for the immediately preceding 10 years, and payment to the secretary an amount equal to all fees and any penalties due";

On page 43, in line 9, by striking all after "state"; in line 10, by striking all before the period and inserting ", and all past due business entity information reports for the immediately preceding 10 years, and payment to the secretary of state an amount equal to all fees and any penalties due";

On page 46, in line 21, by striking all after "state"; in line 22, by striking all before the period and inserting ", and all past due business entity information reports for the immediately preceding 10 years, and payment to the secretary an amount equal to all fees and any penalties due";

On page 47, in line 31, by striking all after "state"; by striking all in line 32; in line 33, by striking "state" and inserting ", and all past due business entity information reports for the immediately preceding 10 years, and payment to the secretary of state an amount equal to all fees and any penalties due"; following line 35, by inserting:

"Sec. 47. K.S.A. 64-103 is hereby amended to read as follows: 64-103. (a) All acts of the legislature ~~which that~~ shall provide for their taking effect on publication in any newspaper or in the Kansas register shall be published in the Kansas register, which shall be deemed the official publication. Publication of the Kansas register may be in print or electronic form. Except as otherwise provided in this subsection, all proclamations, orders, notices and advertisements authorized by any state officer shall be printed and published in the Kansas register. Payment for such publication shall be made by the state at the rates prescribed by law. The provisions of this subsection shall not apply to: (1) Resolutions making propositions to amend the constitution; or (2) proclamations issued by the governor ~~which that~~ are not required by law to be issued by the governor. All proclamations issued by the governor ~~which that~~ are not published in the Kansas register shall be published on the official Kansas ~~internet~~ website.

(b) (1) For the purpose of informing the electors of the propositions to be voted on at the election thereon, the secretary of state shall cause resolutions making propositions to amend the constitution to be published in ~~one newspaper in each county of the state where a newspaper is published, one newspaper in each county of the state where a~~ newspaper is published, or, if no newspaper is published in a county, then in a Kansas-published newspaper of general circulation in each county once each week for three consecutive weeks immediately preceding the election at which the proposition is to be submitted.

(2) After such publication, the secretary of state shall certify the amount of moneys expended on such publication and shall transmit a copy of such certification to the director of accounts and reports. Upon receipt of such certification, the director of accounts and reports shall transfer an amount of moneys equal to such certified amounts from the state general fund to the information services fee fund of the secretary of state and shall transmit a notification of such transfer to the director of legislative research and the director of the budget.

Sec. 48. K.S.A. 75-430 is hereby amended to read as follows: 75-430. (a) The secretary of state shall compile, index and publish a publication to be known as the Kansas register. Such register shall contain:

- (1) All acts of the legislature required to be published in the Kansas register;
  - (2) all executive orders and directives of the governor ~~which that~~ are required to be filed in the office of the secretary of state;
  - (3) summaries of all opinions of the attorney general interpreting acts of the legislature as prepared by the office of the attorney general;
  - (4) notice of any public comment period on contemplated modification of an existing rule and regulation, and, in accordance with the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated, and amendments thereto, all notices of hearings on proposed administrative rules and regulations and the full text of all administrative rules and regulations that have been adopted and filed with the secretary of state;
  - (5) the full text of all administrative rules and regulations ~~which that~~ have been adopted and filed in accordance with the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated, and amendments thereto, except that the secretary of state may publish a summary of any rule and regulation together with the address of the state agency from which a copy of the full text of the proposed rules and regulations may be received, if such rule and regulation is lengthy and expensive to publish and otherwise available in published form and a summary will, in the opinion of the secretary, properly notify the public of the contents of such rule and regulation;
  - (6) a cumulative index of all administrative rules and regulations ~~which that~~ have been adopted and filed in accordance with the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated, and amendments thereto;
  - (7) ~~all notices of hearings of special legislative interim study committees, descriptions of all prefiled bills and resolutions~~ and descriptions of all bills and resolutions introduced in the legislature during any session of the legislature, and other legislative information which is approved for publication by the legislative coordinating council;
  - (8) ~~the hearings docket of the Kansas supreme court and the court of appeals;~~
  - (9) summaries of all orders of the state board of tax appeals ~~which that~~ have statewide application;
  - ~~(10)~~(9) all advertisements for contracts for construction, repairs, improvements or purchases by the state of Kansas or any agency thereof for which competitive bids are required; and
  - ~~(11)~~(10) any other information ~~which that~~ the secretary of state deems to be of sufficient interest to the general public to merit its publication or which is required by law to be published in the Kansas register.
- (b) The secretary of state shall publish such register at regular intervals, but not less than weekly.
  - (c) Each ~~issue publication~~ of the register shall contain a table of contents.
  - (d) A cumulative index to all information required by K.S.A. 75-430 through 75-434, and amendments thereto, to be published during the previous year shall be published at least once each year.
  - (e) The secretary of state may omit from the register any information the publication of which the secretary deems cumbersome, expensive, or otherwise inexpedient, if the information is made available in printed or processed form by the adopting agency on application for it, and if the register contains a notice stating the general subject matter of the information and the manner in which a copy of it may be

obtained.

(f) ~~One copy of each issue of~~ A subscription to the register shall be made available without charge on request to each officer, board, commission, and department of the state having statewide jurisdiction, to each member of the legislature, to each county clerk in the state, and to the supreme court, court of appeals and each district court.

(g) The secretary of state shall make ~~paper copies of a subscription to~~ the register available upon payment of a fee to be fixed by the secretary of state under K.S.A. 75-433, and amendments thereto.

Sec. 49. K.S.A. 75-433 is hereby amended to read as follows: 75-433. (a) The secretary of state may fix, charge and collect publication fees from state agencies for the publication of documents and information required or authorized by law to be published in the Kansas register.

(b) The secretary of state ~~shall~~ may sell annual subscriptions to the Kansas register and ~~shall~~ may fix, charge and collect subscription fees from subscribers.

(c) ~~On and after July 1, 1984,~~ Fees established under this section shall be fixed in amounts adequate to recover the costs of ~~printing, binding, postage and handling attributable to the preparation and distribution of~~ producing and distributing the Kansas register.

(d) The secretary of state shall remit all moneys received by the secretary under this act 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 register fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or a person or persons designated by the secretary.

Sec. 50. K.S.A. 75-436 is hereby amended to read as follows: 75-436. (a) The secretary of state shall fix, charge and collect fees to recover the costs of delivery, including postage and handling, which are incurred in connection with the sale of volumes of the session laws, volumes and sets of the Kansas Statutes Annotated, including the cumulative supplements thereto, volumes of the permanent journals of the senate and house of representatives and volumes and sets of the Kansas administrative regulations, including the annual supplements thereto. ~~All such fees shall be fixed by rules and regulations adopted by the secretary of state.~~

(b) The secretary of state shall remit all moneys received from fees and charges under this section 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 information and services fee fund of the secretary of state.";

Also on page 47, following line 42, by inserting:

"Sec. 52. K.S.A. 75-1005 is hereby amended to read as follows: 75-1005. (a) ~~Except as provided by subsection (b),~~ the division of printing shall do all of the public printing and binding required by the legislature, the supreme court, the governor or any state agency. Any state institution where a printing plant is already established may be permitted to do printing for the institution when approved by the director of printing. When the director of printing is of the opinion that a particular printing job should be obtained in the commercial market, such director, unless otherwise instructed by the secretary of administration, may authorize any state agency to so obtain such printing in

accordance with laws relating to purchasing. ~~The provisions of this section shall not apply to contracts entered into under K.S.A. 76-392 or as otherwise provided by law.~~

(b) The secretary of state may obtain printing or binding services as provided by section 1, and amendments thereto, in the commercial market in accordance with laws related to purchasing and procurement by state agencies. The secretary of state shall not be required to obtain the authorization of the director of printing or of the secretary of administration otherwise required for state agencies under subsection (a) to obtain such printing or binding services.";

On page 49, following line 23, by inserting:

"Sec. 54. K.S.A. 77-138 is hereby amended to read as follows: 77-138. (a) Volumes of the Kansas Statutes Annotated shall be printed and bound by the director of printing and delivered to the secretary of state who shall dispose of them as follows:

*First*, the secretary of state shall deposit in the supreme court law library and in the state library such number of copies as the state law librarian and the state librarian, respectively, shall request for use in the law library and the state library, for the purposes of the publication collection and depository system established under K.S.A. 75-2566, and amendments thereto, and for the purpose of making exchanges with the various states and territories, and the secretary of state shall retain one set for the secretary's use in the secretary's office.

*Second*, (1) the secretary of state shall distribute ~~two~~ one complete ~~sets~~ set of the Kansas Statutes Annotated to each new member of the legislature at each regular session, ~~one set of which shall have the respective member's name and if requested by the new member, the new member's name shall be printed thereon.~~

(2) The secretary of state shall distribute such number of complete sets and individual volumes of the Kansas Statutes Annotated: (A) To the office of revisor of statutes as the revisor of statutes shall request; (B) to the legislative research department as the director of legislative research shall request; (C) to the division of post audit as the post auditor shall request; (D) to the division of legislative administrative services as the director of legislative administrative services shall request; and (E) to the judicial branch of state government as the chief justice of the supreme court shall request.

(3) The secretary of state shall distribute: (A) Two sets to each representative in congress and United States senator from the state of Kansas, upon request by such representative or senator; (B) one set each to the governor, lieutenant governor and attorney general; (C) to Washburn university school of law, the number of sets, not to exceed 60 sets, that the librarian of the school of law certifies to the secretary of state as necessary for the purpose of exchanging with other states and territories and to be kept in the library for the use of faculty and students of the university; (D) to the school of law of the university of Kansas, the number of sets, not to exceed 60 sets, that the librarian of the school of law certifies to the secretary of state as necessary for the purpose of exchanging with other states and territories and to be kept in the library for the use of faculty and students of the university; (E) to the clerk of the district court of the United States for the state of Kansas, the number of sets, not to exceed five sets, as are requested by such clerk; (F) one set to each county law library in the state, upon request by the librarian thereof; (G) to each county clerk, the number of sets requested by the county clerk, not to exceed seven sets, to be distributed not more than one set each to the county or district attorney, the county clerk, the county counselor, if any, the register of deeds, the sheriff, the county treasurer, and the board of county

commissioners, which set shall be retained by the county clerk for use by such board; (H) not more than one set to each city of the third class, one set to each city of the second class and two sets to each city of the first class, upon request by the city clerk; and (I) one set to the state historical society library.

*Third*, the balance of statute books, after the above distribution shall be kept by the secretary of state for sale.

(b) The secretary of state shall sell each volume of the Kansas Statutes Annotated, including replacement volumes, at the per volume price fixed therefor by the legislative coordinating council under this section. General index volumes, when sold separately and not as a part of a set of cumulative supplements, shall be sold at the per volume price fixed therefor by the legislative coordinating council. The secretary of state shall remit all moneys received from such sales under this section 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 general fund.

(c) The legislative coordinating council shall fix the per volume price of each volume of the Kansas Statutes Annotated, including replacement volumes, sold under this section to recover the costs of printing and binding such volumes. The legislative coordinating council shall revise such prices from time to time for the purposes of covering and recovering such costs.

Sec. 55. K.S.A. 77-417 is hereby amended to read as follows: 77-417. (a) The secretary of state shall:

(1) Endorse on each rule and regulation filed, the ~~time and~~ date of the filing thereof;

(2) maintain a file of such rules and regulations for public inspection;

(3) keep a complete record of all amendments and revocations of rules and regulations;

(4) index the rules and regulations so filed; and

(5) publish the rules and regulations as hereinafter provided.

(b) The secretary of state shall have the discretion to return to the appropriate state agency or to otherwise dispose of any document or other material ~~which that~~ had been adopted previously by reference and filed with the secretary of state.

Sec. 56. K.S.A. 77-430 is hereby amended to read as follows: 77-430. (a) The secretary of state shall publish the Kansas administrative regulations in an electronic or paper medium. The secretary of state shall make the Kansas administrative regulations available by request to the following:

(1) The supreme court law library and the state library;

(2) the law schools and law libraries of the university of Kansas and Washburn university;

(3) each member of the legislature at the time of taking office, after election or appointment, for the member's first term of office as a member of either house of the legislature ~~which that~~ commences on or after the second Monday of January in 1991, except that a term of office as a member of either house of the legislature, whether a complete or partial term of office, shall not be construed for purposes of this distribution to be the member's first term of office if such term of office is part of a continuous period of service as a member of either house of the legislature or both houses of the legislature, in any combination of consecutive terms of office;

(4) each member of the joint committee on administrative rules and regulations;  
 (5) the governor, lieutenant governor, attorney general and state historical society library;

- (6) the judicial branch of state government;
- (7) each county law library;
- (8) the city library in each city of the first and second class;
- (9) each county library;
- (10) the office of revisor of statutes;
- (11) the legislative research department;
- (12) the division of post audit; and
- (13) the division of legislative administrative services.

(b) The Kansas administrative regulations may be purchased in complete sets or in single volumes. Single volumes of the Kansas administrative regulations shall be sold by the secretary of state at the per volume price fixed by the secretary of state under this section. Complete sets of the Kansas administrative regulations shall be sold by the secretary of state at the per set price fixed therefor by the secretary of state under this section.

(c) All moneys received from such sales 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 information and services fee fund of the secretary of state.

(d) The secretary of state shall fix ~~by rules and regulations~~ the per volume and complete set prices of the Kansas administrative regulations sold under this section to recover the costs of publishing and storing such volumes, whether in printed or electronic form. The secretary of state shall revise such prices from time to time for the purposes of covering and recovering such costs.

Sec. 57. K.S.A. 77-430a is hereby amended to read as follows: 77-430a. (a) The secretary of state shall edit and prepare for publication volumes of rules and regulations ~~which that~~ replace existing volumes of the Kansas administrative regulations within the limitations of available appropriations therefor. Replacement volumes shall be published in the same format and in accordance with the same specifications used in the volume replaced and shall be authenticated as required by K.S.A. 77-429, and amendments thereto. Replacement volumes of the Kansas administrative regulations shall be published by the secretary of state who shall distribute and sell such replacement volumes in the same manner as provided in K.S.A. 77-430, and amendments thereto, for the distribution and sale of other volumes of the Kansas administrative regulations, except that each member of the senate or house of representatives shall receive, upon request, one copy of each replacement volume for the purpose of updating the set of the Kansas administrative regulations received at the time of taking office for the member's first term of office as a member of either house of the legislature as provided in K.S.A. 77-430, and amendments thereto.

(b) Moneys received from the sale of replacement volumes under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the information and services fee fund of the secretary of state.

(c) The secretary of state shall fix ~~by rules and regulations~~ the per volume price, or the complete set price if more than one replacement volume is published, of any replacement volume of the Kansas administrative regulations sold under this section to recover the costs of publishing and storing such volumes, whether in printed or electronic form. The secretary of state shall revise such prices from time to time for the purposes of covering and recovering such costs.

Sec. 58. K.S.A. 77-431 is hereby amended to read as follows: 77-431. (a) The secretary of state shall publish and make available the annual supplements to the Kansas administrative regulations. The secretary of state shall transmit the same number of copies of each annual supplement in the same manner as provided in ~~subsection (a) of~~ K.S.A. 77-430(a), and amendments thereto, for distribution of Kansas administrative regulations, except that each member of the senate or house of representatives shall receive, upon request, one copy of each annual supplement for the purpose of updating the set of the Kansas administrative regulations received at the time of taking office for the member's first term of office as a member of either house of the legislature as provided in K.S.A. 77-430, and amendments thereto.

The secretary of state may publish the supplements to the Kansas administrative regulations in an electronic or paper medium.

(b) Moneys received from the sale of supplements under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the information and services fee fund of the secretary of state.

(c) The secretary of state shall fix ~~by rules and regulations~~ the per volume price, or the complete set price if more than one volume is published, for each annual supplement to the Kansas administrative regulations sold under this section to recover the costs of publishing and storing such volumes, whether published in an electronic or paper medium. The secretary of state shall revise such prices from time to time for the purposes of covering and recovering such costs.

Sec. 59. K.S.A. 77-438 is hereby amended to read as follows: 77-438. (a) (1) A state agency may issue a guidance document without following the procedures set forth in this act for the adoption of rules and regulations.

(2) For the purposes of this section, "guidance document" means a record of general applicability that:

- (A) Is designated by a state agency as a guidance document;
- (B) lacks the force of law; and
- (C) states:

- (i) The agency's current approach to, or interpretation of, law; or
- (ii) general statements of policy that describe how and when the agency will exercise discretionary functions.

(b) A guidance document may contain binding instructions to state agency staff members except officers who preside in adjudicatory proceedings.

(c) If a state agency proposes to act in an adjudication at variance with a position expressed in a guidance document, the state agency shall provide a reasonable explanation for the variance. If an affected person in an adjudication claims to have reasonably relied on the agency's position, the state agency's explanation for the variance shall include a reasonable justification for the agency's conclusion that the

need for the variance outweighs the affected person's reliance interests.

(d) Each state agency shall:

- (1) Maintain an index of all of its currently effective guidance documents;
- (2) publish the index on its website; and
- (3) make all guidance documents available to the public; ~~and~~
- (4) ~~file the index in the manner prescribed by the secretary of state.~~

(e) A guidance document may be considered by a presiding officer or agency head in an agency adjudication, but such guidance document shall not bind any party, the presiding officer or the agency head.

(f) Any agency that issues a guidance document shall provide a copy of such document to the joint committee on administrative rules and regulations. Such document may be submitted electronically.";

Also on page 49, in line 24, after the comma by inserting "45-106, 45-315,"; also in line 24, by striking the first "and" and inserting a comma; also in line 24, after "56a-101" by inserting ", 64-103, 75-430, 75-433, 75-436, 75-1005, 77-138, 77-417, 77-430, 77-430a, 77-431 and 77-438"; in line 25, after the third comma by inserting "45-107,"; in line 31, after "17-76,139," by inserting "17-76,146,"; in line 32, by striking "29" and inserting "31";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "business entities" and inserting "the secretary of state; relating to duties and responsibilities thereof"; also in line 1, by striking "biannual" and inserting "biennial"; in line 8, after the semicolon by inserting "publication and distribution of session laws, the Kansas register, proposed amendments to the constitution of the state of Kansas and Kansas administrative rules and regulations; permitting use of printing and binding services from the commercial market;"; in line 9, after the fourth comma by inserting "45-106, 45-315,"; in line 10, after the first comma by inserting "64-103, 75-430, 75-433, 75-436,"; also in line 10, by striking the first "and" and inserting ", 75-1005,"; also in line 10, after "75-3520" by inserting ", 77-138, 77-417, 77-430, 77-430a, 77-431 and 77-438"; in line 13, after "17-76,139," by inserting "17-76,146,"; in line 14, by striking "29" and inserting "31"; in line 15, after the first comma by inserting "45-107,"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **Substitute for HB 2094** be passed.

Also, **HB 2021**, as amended by House Committee of the Whole, be amended on page 1, in line 8, after "in" by inserting "northeast Kansas, including, but not limited to,"; in line 9, by striking "or" and inserting "and"; also in line 9, by striking "county" and inserting "counties"; in line 28, after the second comma by inserting "prior to the issuance of any bonds pursuant to this section,"; in line 34, after "thereto" by inserting ", and the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such approval also may be given when the legislature is in session";

On page 1, in the title, in line 3, by striking the second "and" and inserting a comma; in line 4, after "administration" by inserting "and the state finance council"; and the bill be passed as amended.

**HB 2248** be amended on page 1, in line 16, by striking "\$15,000" and inserting "\$12,000"; and the bill be passed as amended.

Committee on **Ways and Means** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

*Member, Kansas Development Finance Authority: K.S.A. 74-8903*

Suchitra Padmanabhan, to serve a term ending on January 15, 2025

**REPORT ON ENROLLED BILLS**

**H Sub SB 63; SB 64, SB 118** reported correctly enrolled, properly signed and presented to the Governor on March 26, 2021.

On motion of Senator Alley, the Senate adjourned until 1:30 p.m., Tuesday, March 30, 2021.

# Journal of the Senate

FIFTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 30, 2021, 1:30 p.m.

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

The Blessedness of Marriage; The Most Meaningful!  
Genesis 2:18-25, Proverbs 18:22, Revelation 21:9

Dear God; Creator and Lord of us all. Back in the beginning, when You were putting our world together, You made it clear to Adam in Genesis 2:18, that it would not be good for him to be alone, that You would make for him a helper who would be just right for him. And when You had him name the animals and he could see that every male had a female except for him. And once he saw what was missing in his life, that's when You blessed him. You fixed him up with a wife!

And in Proverbs 18:22, You said that the man who finds a wife finds a "good thing," finds a treasure. He is blessed with favor from You. Several years ago on this very day, March 30th, You brought Audrey, my wife and helper, into this world. So, on this, her birthday, I want to thank You for my "good thing," my treasure, my wife! But Lord, I'm not only thanking You for how You've blessed me, I'm thanking You on behalf of every man who has found his treasure, his jewel of a wife.

And I'm also thanking You Lord, on behalf of all the good things, the treasures that have been found. You've given us this thing called family. But Lord, even when the blessings of these earthly relationships fail to materialize, You offer the relationship that's the most rewarding of all. You invite us into a marriage with You, Revelation 21:9, with us as Your bride and You as our Groom. Help us look forward to the day, that You consummate our marriage and bring us home to be with You.

In Jesus' Name I pray. Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 309**, AN ACT concerning roads and highways; designating a portion of United States highway 69 as the AMM2c Walter Scott Brown memorial highway, by Committee on Federal and State Affairs.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was referred to Committees as indicated:

Local Government: **HB 2176**.

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2316, HB 2363, HB 2380, HB 2408, HB 2412, HB 2417**.

Announcing passage of **SB 50**, as amended; **SB 60**, as amended; **SB 106**, as amended; **SB 122**, as amended; **SB 124**, as amended; **SB 127**, as amended; **SB 172**, as amended; **SB 283**, as amended.

Announcing passage of **SB 78**, as amended by **House Sub for SB 78; Sub SB 273**, as amended by **House Substitute for Sub SB 273**.

The House nonconcurrs in Senate amendments to **HB 2007**, requests a conference and has appointed Representatives Proehl, Delperdang and Helgerson as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2026**, requests a conference and has appointed Representatives Jennings, Owens and Highberger as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2102**, requests a conference and has appointed Representatives Rahjes, Smith, Eric and Carlin as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2137**, requests a conference and has appointed Representatives Barker, Aramberger and Ruiz, Louis as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2166**, requests a conference and has appointed Representatives Proehl, Delperdang and Helgerson as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2243**, requests a conference and has appointed Representatives Johnson, Steven, Croft and Neighbor as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2252**, requests a conference and has appointed Representatives Barker, Aramberger and Ruiz, Louis as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2254**, requests a conference and has appointed Representatives Landwehr, Eplee and Parker as conferees on the part of the House.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2316, HB 2363, HB 2380, HB 2408, HB 2412, HB 2417** were thereupon introduced and read by title.

**ORIGINAL MOTION**

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2007**.

The President appointed Senators Petersen, Claeys and Hawk as conferees on the part of the Senate.

On motion of Senator Warren, the Senate acceded to the request of the House for a conference on **HB 2026**.

The President appointed Senators Warren, Wilborn and Haley as conferees on the part of the Senate.

On motion of Senator Kerschen, the Senate acceded to the request of the House for a conference on **HB 2102**.

The President appointed Senators Kerschen, Straub and Francisco as conferees on the part of the Senate.

On motion of Senator Alley, the Senate acceded to the request of the House for a conference on **HB 2137**.

The President appointed Senators Alley, Hilderbrand and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2166**.

The President appointed Senators Petersen, Claeys and Hawk as conferees on the part of the Senate.

On motion of Senator Longbine, the Senate acceded to the request of the House for a conference on **HB 2243**.

The President appointed Senators Longbine, Fagg and Pittman as conferees on the part of the Senate.

On motion of Senator Alley, the Senate acceded to the request of the House for a conference on **HB 2252**.

The President appointed Senators Alley, Hilderbrand and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Hilderbrand, the Senate acceded to the request of the House for a conference on **HB 2254**.

The President appointed Senators Hilderbrand, Gossage and Pettey as conferees on the part of the Senate.

## INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator McGinn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1716—

A RESOLUTION supporting the full development, funding and implementation of the Heartland Flyer Extension between Oklahoma City, Oklahoma, and Newton, Kansas.

WHEREAS, The Kansas Secretary of Transportation, Julie Lorenz, presented to the 2021 Passenger Rail Coalition her discussion with Oklahoma Secretary of Transportation, Tim Gatz, about both Kansas and Oklahoma's desire to have Amtrak's Heartland Flyer route extended north, through Oklahoma and Kansas, which, however, would require federal funding for both states to develop the passenger rail corridor; and

WHEREAS, At the Passenger Rail Coalition Forum held on February 10, 2021, Amtrak presented a proposal for the state of Kansas to request 100% federal funding for the Heartland Flyer Extension capital costs, as well as three to five years of operational costs, through the federal reauthorization of the Surface Transportation Act; and

WHEREAS, Amtrak has approached the state of Kansas about entering into a multi-

state operational partnership for extending the Heartland Flyer, with connecting service between Amtrak's Southwest Chief and Texas Eagle; and

WHEREAS, Amtrak has received a Reauthorization Act request from the Midwest Interstate Passenger Rail Commission concerning the incorporation of additional frequencies and a second train for this corridor, specifically, a daytime frequency that will operate between Fort Worth, Texas, and Kansas City, Missouri; and

WHEREAS, The Kansas Passenger Rail Service Development Plan of 2010 includes an option for additional frequencies and a second train, known as Alternative #3, to transit within the Heartland Flyer and Southwest Chief corridors; and

WHEREAS, An accompanying improvement of ridership and financial performance would be realized by an extension and second frequency of the Heartland Flyer; and

WHEREAS, The Amtrak Southwest Chief and Sunset Limited routes would realize a dramatic increase in ridership and financial performance from a two-frequency Heartland Flyer connection with hubs in Newton, Kansas, and Fort Worth, Texas; and

WHEREAS, Ridership on the Heartland Flyer Extension from Oklahoma City, Oklahoma, to Newton, Kansas, is anticipated to double when connected with the Southwest Chief in Newton, Kansas; and

WHEREAS, Fully-funded maintenance of the Southwest Chief is an integral and vital component of the Heartland Flyer Extension; and

WHEREAS, The Kansas Department of Transportation identifies passenger rail development in the State Rail Plan; and

Be it resolved by the Senate of the State of Kansas: That we support and endorse the extension of Amtrak service between Oklahoma City, Oklahoma, and Newton, Kansas; and

*Be it further resolved:* That we urge the Kansas Congressional delegation to support the inclusion of full federal funding for the complete implementation and development of the Heartland Flyer Extension from Oklahoma City, Oklahoma, to Newton, Kansas, as well as a second frequency directly connecting Kansas City, Missouri, and Fort Worth, Texas, in the upcoming reauthorization of the Surface Transportation Act; and

*Be it further resolved:* That we urge the Kansas Congressional delegation to support the inclusion of full federal funding for the maintenance and future development of the Southwest Chief in the upcoming reauthorization of the Surface Transportation Act; and

*Be it further resolved:* That we approve a multi-state partnership among Amtrak and the several states through which the service will operate; and

*Be it further resolved:* That the Secretary of the Senate shall send enrolled copies of this resolution to the Governor of Kansas, the Governor of Oklahoma, Oklahoma Secretary of Transportation, the Kansas Secretary of Transportation, each member of the Kansas Congressional delegation and the U.S. Secretary of Transportation.

On emergency motion of Senator McGinn **SR 1716** was adopted adopted by voice vote.

#### **FINAL ACTION ON CONSENT CALENDAR**

**HB 2238** and **HB 2295** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**HB 2238**, AN ACT concerning school districts and cities; relating to gifts for libraries; amending K.S.A. 12-1252 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

**HB 2295**, AN ACT concerning drivers' licenses; relating to commercial drivers' licenses; exempting municipal motor grader vehicle operators from the Kansas uniform commercial drivers' license act requirements; amending K.S.A. 2020 Supp. 8-2,127 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 181**, AN ACT creating the elevator safety act; relating to safety standards for elevators; licensure requirements for elevator inspection, installation and repair, duties of the state fire marshal; establishing the elevator safety fee fund, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 7; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Ryckman, Sykes, Ware, Warren, Wilborn.

Nays: Hilderbrand, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson.

Present and Passing: Baumgardner.

The bill passed as amended.

**SB 290**, AN ACT concerning the healthcare stabilization fund; relating to minimum professional liability insurance coverage requirements; changing membership of the board of governors; service of notice thereon; amending K.S.A. 40-3409 and K.S.A. 2020 Supp. 40-3402, 40-3403, 40-3408, 40-3414 and 40-3424 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Ryckman, Suellentrop, Sykes, Ware, Wilborn.

Nays: Baumgardner, Erickson, Hilderbrand, Peck, Pyle, Steffen, Straub, Thompson,

Tyson, Warren.

The bill passed.

**HB 2134**, AN ACT concerning insurance; relating to the reinsurance of risk; updating the national association of insurance commissioners credit for reinsurance model law; insurance holding company act; codifying the national association of insurance commissioners credit for insurance model regulation; amending K.S.A. 2020 Supp. 40-221a, 40-3302, 40-3304 and 40-3306 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Steffen, Tyson.

The bill passed, as amended.

**HB 2165**, AN ACT concerning motor vehicles; relating to antique vehicles; providing that all vehicles that are more than 35 years old qualify as antique vehicles for registration purposes; amending K.S.A. 2020 Supp. 8-166 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**HB 2167**, AN ACT concerning motor vehicles; relating to license plates; permitting concrete mixer trucks and requiring dump trucks to display license plates on the front of vehicles; amending K.S.A. 2020 Supp. 8-133 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**HB 2203**, AN ACT concerning the Kansas asbestos control program; creating the asbestos remediation fund, fees and purposes; amending K.S.A. 65-5309 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll,

Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Tyson.

The bill passed, as amended.

**HB 2218**, AN ACT concerning the Kansas state employees health care commission; changing membership thereon; providing responsibility to balance the healthcare needs of state employees with the financial impact on the state; requiring reports to the legislature on current and projected reserve balances in the state healthcare benefits program; amending K.S.A. 75-6501, 75-6502 and 75-6509 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 2; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Corson, Sykes.

Present and Passing: Francisco.

The bill passed, as amended.

**HCR 5015**, A Concurrent Resolution urging the United States Congress to reject legislation to federalize elections in the United States of America and oppose the For the People Act of 2021, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 11; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Present and Passing: Doll.

The resolution was adopted.

#### EXPLANATION OF VOTE

Mr. Vice President: Over the past year, we have heard baseless claims that our elections are rigged, fraudulent, and stolen. Of course, members of this body acknowledge that this hasn't happened in our state, since suggesting otherwise would call into question the legitimacy of our own positions. But that hasn't stopped some of us from introducing legislation to make it harder for Kansans to vote. **HCR 5015** secures our elections by providing grants to modernize our election infrastructure. It promotes civic engagement by allowing young Americans to preregister to vote. It bars the use of taxpayer dollars for discrimination and sexual harassment lawsuit settlements for members of Congress. It strengthens access to ballots for our overseas military members. Put simply, it increases accountability in our system and allows Americans to participate in our democracy to its fullest extent. This body has made its hostility

toward voters' choices perfectly clear over the past several years. With this pointless, moot resolution, we're sending yet another message that in Kansas, voting is not a right, and we want every member of Congress in the United States to follow our shameful lead. I vote NO.—DINAH SYKES

Senator Pettey requests the record to show she concurs with the "Explanation of Vote" offered by Senator Sykes on **HCR 5015**.

### **STRICKEN FROM THE CALENDAR**

On motion of Senator Larry Alley **SB 8, SB 25, SB 31, SB 43, SB 59, and SB 105**, were stricken from the calendar.

### **COMMITTEE OF THE WHOLE**

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

On motion of Senator Bowers the following report was adopted:

**SB 265, SB 304; HB 2085, HB 2101, HB 2379** be passed.

**HB 2077** be amended by motion of Senator Haley: on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2020 Supp. 21-6901 is hereby amended to read as follows: 21-6901. (a) There is hereby established the ~~Kansas closed case~~ Alvin Sykes cold case DNA task force. The task force shall be composed of 15 voting members, as follows:

- (1) The chairperson of the standing senate committee on judiciary;
- (2) the ranking minority member of the standing senate committee on judiciary;
- (3) the chairperson of the standing house committee on judiciary;
- (4) the ranking minority member of the standing house committee on judiciary;
- (5) the governor or the governor's designee;
- (6) the attorney general or the attorney general's designee;
- (7) the director of the Kansas bureau of investigation or the director's designee;
- (8) the state combined DNA index system (CODIS) administrator ~~as designated by~~ or other designee of the director of the Kansas bureau of investigation forensic science laboratory;
- (9) a sheriff as designated by the Kansas sheriff's association;
- (10) a chief of police as designated by the Kansas association of chiefs of police;
- (11) a prosecutor as designated by the Kansas county and district attorneys association;
- (12) the executive director of the state board of indigents' defense services or the executive director's designee;
- (13) the president of the Kansas bar association or the president's designee;
- (14) the director of victim services of the department of corrections or the director's designee; and
- (15) one member designated by the governor who represents an organization that litigates claims of innocence.

(b) (1) ~~Members shall be appointed to the task force on or before September 1, 2019. The initial meeting of the task force shall be convened on or before October 1, 2019.~~

(2) ~~The chairperson of the standing senate committee on judiciary and the~~

chairperson of the standing house committee on judiciary shall serve as ~~co-chairs~~ co-chairpersons of the task force.

~~(3)~~(2) The task force shall meet in an open meeting at any time and at any place within the state of Kansas upon the call of either co-chairperson of the task force. A majority of the voting members of the task force constitutes a quorum. Any action by the task force shall be by motion adopted by a majority of the voting members present when there is a quorum.

(c) The task force, in consultation with practitioners and experts, shall develop a plan to ensure uniform statewide policies and procedures that address, at a minimum:

(1) Timely receipt of the data relating to hits to the combined DNA index system (CODIS) from the forensic laboratory;

(2) directly connecting the data relating to hits to the combined DNA index system (CODIS) to the relevant case file;

(3) proper policies and procedures to ensure all hits are accounted for and followed up;

(4) procedures to address how the key parties can conduct a reasonable and timely investigation into the significance of the hit; and

(5) sharing the hits in data from both solved and unsolved cases with other key parties, including the relevant prosecutors' offices, the original defense attorney and the last known attorney of record, crime victims and surviving relatives, and a local organization that litigates claims of innocence.

(d) The task force shall complete a plan for implementation of a protocol relating to hits to closed cases by October 1, ~~2020~~ 2021. The plan shall include a mechanism to ensure uniform compliance at the local law enforcement agency level.

(e) On or before December 1, ~~2020~~ 2021, the task force shall submit a report containing a plan for uniform implementation of the protocol throughout the state, including articulated benchmarks to facilitate and measure adoption. This report shall be posted on a public website maintained by the Kansas bureau of investigation and presented to the governor, the speaker of the house of representatives and the president of the senate.

(f) Legislative members of the task force attending meetings authorized by the task force shall be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto. Non-legislative members of the task force may be reimbursed by their appointing authority.

(g) Staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide assistance to the task force as may be requested by the co-chairpersons of the task force.

(h) The Alvin Sykes cold case DNA task force shall be a continuation of the Kansas closed case task force as it existed on December 29, 2020, and, except as provided in subsection (a)(8), members appointed prior to such date shall continue as members of the task force.

(i) The provisions of this section shall expire on December 30, ~~2020~~ 2021."

On page 4, in line 16, after "Supp." by inserting "21-6901 and"; also in line 16, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "crime-related task forces and commissions; relating to the Kansas closed case task force; extending the

task force and providing for staff assistance; renaming the task force the Alvin Sykes cold case DNA task force; relating to"; in line 2, by striking all before "extending"; in line 3, after "Supp." by inserting "21-6901 and"; in line 4, by striking "section" and inserting "sections", and the bill be passed as amended.

**HB 2064, HB 2079, HB 2121, HB 2136, HB 2158, HB 2247, HB 2390, HB 2391** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**HB 2244** be amended by the adoption of the committee amendments, be further amended by motion of Senator Kerschen: on page 9, in line 41, after "license" by inserting "or registration";

On page 10, in line 1, by striking "industrial"; also in line 1, after "hemp" by inserting "products", and **HB 2244** be passed as further amended.

**HB 2106** be amended by the adoption of the committee amendments, be further amended by motion of Senator Baumgardner: on page 1, following line 10, by inserting:

"New Section 1. For the period of January 1, 2021, through December 31, 2021, for wages paid to employees who are temporarily teleworking in a state other than their primary work location, employers shall have the option to continue to withhold income taxes based on the state of the employee's primary work location and not based on the state in which the employee is teleworking or otherwise working during the COVID-19 pandemic. If any provisions of K.S.A. 79-3296, and amendments thereto, are in conflict with the provisions of this section, the provisions of this section shall control.";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after the semicolon by inserting "relating to withholding tax; providing a temporary option for teleworking employees;"

**HB 2106** be further amended by motion of Senator Pyle: on page 11, in line 38, by striking all after "(xviii)"; by striking all in lines 39 through 42; in line 43, by striking all before "for" and inserting "(1)";

On page 12, in line 1, after the comma by inserting "and ending before January 1, 2021,,"; in line 5, after "jointly" by inserting "; and

(2) for all taxable years beginning after December 31, 2020, amounts received as benefits under the federal social security act that are included in federal adjusted gross income of a taxpayer";

On page 1, in the title, in line 7, after the semicolon by inserting "expanding the subtraction modification exempting social security benefits;"

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

On roll call, the vote was: Yeas 30; Nays 2; Present and Passing 4; Absent or Not Voting 4.

Yeas: Baumgardner, Bowers, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Claeys, Longbine.

Present and Passing: Billinger, Hawk, O'Shea, Ryckman.

Absent or Not Voting: Alley, Masterson, McGinn, Suellentrop.

A motion by Senator Pyle to amend **HB 2106** was withdrawn.

**HB 2114** be amended by the adoption of the committee amendments, be further amended by motion of Senator Hilderbrand: on page 1, in line 24, by striking "the vice-

chairperson" and inserting "a member"; in line 25, after "welfare" by inserting ", appointed by the president of the senate"; in line 30, by striking "the vice-chairperson" and inserting "a member"; in line 31, after "seniors" by inserting ", appointed by the speaker of the house of representatives".

**HB 2114** be further amended by motion of Senator O'Shea: on page 2, in line 24, by striking "secretary for aging and disability services" and inserting "association of community mental health centers of Kansas."; in line 31, by striking "the secretary for aging and disability services" and inserting "interhab", and **HB 2114** be passed as further amended.

Committee report on **SB 100** recommending **Sub SB 100** be adopted, and the substitute bill be passed.

Committee report on **HB 2201** recommending **S Sub HB 2201** be adopted, and the substitute bill be passed.

Committee report on **HB 2208** recommending **S Sub HB 2208** be adopted, and the substitute bill be passed.

Committee report on **Sub HB 2196** recommending **S Sub Sub HB 2196** be adopted, be amended by motion of Senator Olson: on page 50, in line 21, after the period by inserting "No person who is a victim of identify theft shall be subject to the provisions of this subsection. The secretary shall investigate all cases of an alleged false statement or representation or failure to disclose a material fact to ensure no victim of identity theft is disqualified, required to repay or subject to any penalty as provided by this subsection as a result of identity theft."

**S Sub Sub HB 2196** be further amended by motion of Senator Olson: on page 6, in line 39, by striking all after "the"; in line 40, by striking all before the period and inserting "legislative coordinating council"; in line 41, by striking "council" and inserting "legislative coordinating council"

**S Sub Sub HB 2196** be further amended by motion of Senator Olson: on page 11, in line 35, by striking "\$450,000,000" and inserting "\$250,000,000"; in line 37, by striking "\$450,000,000" and inserting "\$250,000,000";

On page 12, in line 3, by striking "\$450,000,000" and inserting "\$250,000,000"; in line 5, after the period by inserting "Of such identified moneys, the director of the budget shall further determine in the aggregate an additional amount equal to \$250,000,000, to be held in reserve in a fund or funds identified jointly by the director of the budget and the director of accounts and reports. If such identified moneys in the aggregate are less than \$250,000,000, the director of the budget shall determine the maximum additional amount available. The director of the budget shall certify the amount so determined from each fund to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of legislative research and to the post auditor. In the event the secretary of labor determines the employment security fund has become insolvent, then immediately upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an aggregate amount equal to such certification from such reserve fund or funds to the employment security fund of the department of labor for the purposes of funding the employment security fund. If the employment security fund remains solvent, then upon completion of the 2020-2021 audit of the department of labor in accordance with K.S.A. 46-1106, and amendments thereto, the post auditor shall report immediately in

writing to the division of the budget the amount of funds in benefits paid improperly as identified by such 2020-2021 audit. Upon receipt of such report, the director of the budget shall certify the amount identified by the post auditor and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of legislative research and to the post auditor. Upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an aggregate amount equal to such certification from such reserve fund or funds to the employment security fund of the department of labor for the purposes of funding the employment security fund. Any moneys remaining of those amounts being held in reserve for this purpose shall be allocated to the state general fund in accordance with appropriation acts.";

On page 81, in line 35, by striking "\$450,000,000" and inserting "\$250,000,000"; following line 39, by inserting:

"(c) In the event the second transfer of up to \$250,000,000 is not made as provided in section 6, and amendments thereto, the employment security fund on or before July 15, 2022, all contributing employers shall pay the rate as set forth in standard rate schedules - standard rate schedule 7 for the 2023 calendar year.";

On page 1, in the title, in line 17, after the semicolon by inserting "making and concerning appropriations for the fiscal years ending June 30, 2021, and June 30, 2022; authorizing certain transfers and imposing certain limitations;"

**S Sub Sub HB 2196** be further amended by motion of Senator Steffen: on page 98, following line 2, by inserting:

"Sec. 17. K.S.A. 2020 Supp. 44-719 is hereby amended to read as follows: 44-719.

(a) (1) Except as provided in subsection (a)(2), Any person who makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under this act, either for such person or for any other person, shall be guilty of theft and shall be punished in accordance with the provisions of K.S.A. 2020 Supp. 21-5801, and amendments thereto.

(2) Any violation of subsection (a)(1) shall be a severity level 2, nonperson felony if such person:

(A) Had no basis to obtain or increase any benefit or other payment under this act because the person is a resident of another state or foreign nation, failed to engage in employment as defined in K.S.A. 44-703, and amendments thereto, and failed to perform any services for wages within this state not within the meaning of employment as defined in K.S.A. 44-703, and amendments thereto;

(B) knowingly made the false statement or representation in such a manner that such statement or representation purports to have been made by another person, either real or fictitious, and if a real person without the authority of such person; and

(C) communicated or caused to be communicated a false statement or representation on three or more occasions within a 30-day period that purported to be from different other persons, as provided by paragraph (2)(B), to the department of labor.

(b) Any employing unit or any officer or agent for any employing unit or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining subject hereto or to avoid or reduce any contribution or other payment required from an employing unit

under this act, or who willfully fails or refuses to make any such contributions or other payment or to furnish any reports required hereunder or to produce or permit the inspection or copying of records as required hereunder, shall be punished by a fine of not less than \$20 nor more than \$200, or by imprisonment for not longer than 60 days, or both such fine and imprisonment. Each such false statement or representation or failure to disclose a material fact and each day of such failure or refusal shall constitute a separate offense.

(c) Any person who willfully violates any provision of this act or any rule and regulation adopted by the secretary hereunder, the violation of which is made unlawful or the observance of which is required under the terms of this act, and for which a penalty is neither prescribed herein or provided by any other applicable statute, shall be punished by a fine of not less than \$20 nor more than \$200, or by imprisonment for not longer than 60 days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

(d) (1) Any person who has received any amount of money as benefits under this act while any conditions for the receipt of benefits imposed by this act were not fulfilled in such person's case, or while such person was disqualified from receiving benefits, shall in the discretion of the secretary, either be liable to have such amount of money deducted from any future benefits payable to such person under this act or shall be liable to repay to the secretary for the employment security fund an amount of money equal to the amount so received by such person. After a period of five years, the secretary may waive the collection of any such amount of money when the secretary has determined that the payment of such amount of money was not due to fraud, misrepresentation, or willful nondisclosure on the part of the person receiving such amount of money, and the collection thereof would be against equity or would cause extreme hardship with regard to such person. The collection of benefit overpayments which were made in the absence of fraud, misrepresentation or willful nondisclosure of required information on the part of the person who received such overpayments, may be waived by the secretary at any time if such person met all eligibility requirements of the employment security law during the weeks in which the overpayments were made.

(2) Any benefit erroneously paid which is not repaid shall bear interest at the rate of 1.5% per month or fraction of a month. If the benefit was received as a result of fraud, misrepresentation or willful nondisclosure of required information, interest shall accrue from the date of the final determination of overpayment until repayment plus interest is received by the secretary. If the overpayment was without fraud, misrepresentation or willful nondisclosure of required information, interest shall accrue upon any balance which remains unpaid two years after the final determination of overpayment is made and shall continue until payment plus accrued interest is received by the secretary. Interest collected pursuant to this section shall be paid into the special employment security fund, except that interest collected on federal administrative programs shall be returned to the federal government. Upon written request and for good cause shown, the secretary may abate any interest or portion thereof provided for by this subsection (d)(2). Interest accrued may not be paid by money deducted from any future benefits payable to such persons liable for any overpayment.

(3) Unless collection is waived by the secretary, any such amount shall be collectible in the manner provided in K.S.A. 44-717, and amendments thereto, for the collection of past due contributions. The courts of this state shall in like manner

entertain actions to collect amounts of money erroneously paid as benefits, or unlawfully obtained, for which liability has accrued under the employment security law of any other state or of the federal government.

(4) In cases involving the collection of debts arising from the employment security law, the actual amount received from the United States department of treasury under the treasury offset program or its successor shall be credited to the overpayment and any fee charged by the department of treasury shall be borne by the debtor.

(e) Any employer or person who willfully fails or refuses to pay contributions, payments in lieu of contributions or benefit cost payments or attempts in any manner to evade or defeat any such contributions, payments in lieu of contributions or benefit cost payments or the payment thereof, shall be liable for the payment of such contributions, payments in lieu of contributions or benefit cost payments and, in addition to any other penalties provided by law, shall be liable to pay a penalty equal to the total amount of the contributions, payments in lieu of contributions or benefit cost payments evaded or not paid.

(f) (1) It shall be unlawful for an employing unit to knowingly obtain or attempt to obtain a reduced liability for contributions under K.S.A. 44-710a(b)(1), and amendments thereto, through manipulation of the employer's workforce, or for an employing unit that is not an employing unit at the time it acquires the trade or business, to knowingly obtain or attempt to obtain a reduced liability for contributions under K.S.A. 44-710a(b)(5), and amendments thereto, or any other provision of K.S.A. 44-710a, and amendments thereto, related to determining the assignment of a contribution rate, when the sole or primary purpose of the business acquisition was for the purpose of obtaining a lower rate of contributions, or for a person to knowingly advise an employing unit in such a way that results in such a violation, such employing unit or person shall be subject to the following penalties:

(A) If the person is an employer, then such employer shall be assigned the highest rate assignable under K.S.A. 44-710a, and amendments thereto, for the rate year during which such violation or attempted violation occurred and the three rate years immediately following this rate year. However, if the employer's business is already at such highest rate for any year, or if the amount of increase in the employer's rate would be less than 2% for such year, then a penalty rate of contributions of 2% of taxable wages shall be imposed for such year. Any moneys resulting from the difference of the computed rate and the penalty rate 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 special employment security fund.

(B) If the person is not an employer, such person shall be subject to a civil money penalty of not more than \$5,000. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the special employment security fund.

(2) For purposes of this subsection, the term "knowingly" means having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved.

(3) For purposes of this subsection, the term "violates or attempts to violate"

includes, but is not limited to, any intent to evade, misrepresentation or willful nondisclosure.

(4) (A) In addition to, or in lieu of, any civil penalty imposed by paragraph (1) if, the director of employment security or a special assistant attorney general assigned to the department of labor, has probable cause to believe that a violation of this subsection (f) should be prosecuted as a crime, a copy of any order, all investigative reports and any evidence in the possession of the division of employment security which relates to such violation, may be forwarded to the prosecuting attorney in the county in which the act or any of the acts were performed which constitute a violation of this subsection (f). Any case which a county or district attorney fails to prosecute within 90 days shall be returned promptly to the director of employment security. The special assistant attorney general assigned to the Kansas department of labor shall then notify the attorney general and if, in the opinion of the attorney general, the acts or practices involved warrant prosecution, the attorney general shall prosecute the case.

(B) Violation of this subsection (f) shall be a level 9, nonperson felony.

(5) The secretary shall establish procedures to identify the transfer or acquisition of a business for purposes of this section.

(6) For purposes of subsection (f):

(A) "Person" has the meaning given such term by section 7701(a)(1) of the internal revenue code of 1986;

(B) "trade or business" shall include the employer's workforce; and

(C) the provisions of K.S.A. 2020 Supp. 21-5211 and 21-5212, and amendments thereto, shall apply.

(7) This subsection (f) shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulation issued by the United States department of labor.":

On page 103, in line 43, after "44-714" by inserting ", 44-719";

And by renumbering sections accordingly;

On page 1, in the title, in line 17, after the semicolon by inserting "establishing a new crime of unemployment insurance fraud with an enhanced penalty;"; in line 19, after "44-714" by inserting ", 44-719", and **S Sub Sub HB 2196** be passed as amended.

A motion by Senator Sykes to amend **S Sub Sub HB 2196** failed.

**HB 2039, HB 2090** be passed over and retain a place on the calendar.

#### **CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

On motion of Senator Warren the Senate nonconcurrent in the House amendments to **SB 60** and requested a conference committee be appointed.

The President appointed Senators Warren, Wilborn and Haley as a conference committee on the part of the Senate.

On motion of Senator Longbine the Senate nonconcurrent in the House amendments to **H Sub SB 78** and requested a conference committee be appointed.

The President appointed Senators Longbine, Peck and Holscher as a conference committee on the part of the Senate.

On motion of Senator Warren the Senate nonconcurrent in the House amendments to **SB 106** and requested a conference committee be appointed.

The President appointed Senators Warren, Wilborn and Haley as a conference committee on the part of the Senate.

On motion of Senator Warren the Senate nonconcurrred in the House amendments to **SB 122** and requested a conference committee be appointed.

The President appointed Senators Warren, Wilborn and Haley as a conference committee on the part of the Senate.

On motion of Senator Petersen the Senate nonconcurrred in the House amendments to **SB 127** and requested a conference committee be appointed.

The President appointed Senators Petersen, Claeys and Hawk as a conference committee on the part of the Senate.

On motion of Senator Warren the Senate nonconcurrred in the House amendments to **H Sub Sub SB 273** and requested a conference committee be appointed.

The President appointed Senators Warren, Wilborn and Haley as a conference committee on the part of the Senate.

Senator Tyson moved the Senate concur in House amendments to **SB 50**.

**SB 50**, AN ACT concerning taxation; relating to sales and compensating use tax; requiring the collection and remittance for sales, compensating use and transient guest taxes and prepaid wireless 911 fees made on marketplace facilitator platforms; removing click-through nexus provisions; relating to income tax; providing for addition and subtraction modifications for the treatment of global intangible low-taxed income, business interest, capital contributions, FDIC premiums and business meals; expanding the expense deduction for income taxpayers and calculating the deduction amount; providing the ability to elect to itemize for individuals; exemption of unemployment compensation income attributable as a result of identity fraud; removing the line for reporting compensating use tax from individual tax returns; extending the dates when corporate tax returns are required to be filed; increasing the Kansas standard deduction; providing for an extension of the corporate net operating loss carryforward period; amending K.S.A. 79-3221, 79-3221o, 79-32,117, 79-32,119, 79-32,120, 79-32,138, 79-32,143, 79-32,143a and 79-3702 and repealing the existing sections.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pyle, Sykes, Ware. The Senate concurred.

#### EXPLANATION OF VOTE

Mr. President: I vote "No" on internet sales tax hikes. While I support tax cuts in general, raising internet taxes is the wrong direction. The senate should be lowering taxes on our businesses rather than seeking higher taxes to satisfy spending increases.—

DENNIS PYLE

Senator Thompson moved the Senate concur in House amendments to **SB 172**.

**SB 172**, AN ACT concerning crimes, punishment and criminal procedure; creating the crimes of trespassing on a critical infrastructure facility and criminal damage to a critical infrastructure facility; eliminating the crime of tampering with a pipeline; requiring payment of restitution; amending K.S.A. 2020 Supp. 21-5818, 21-6328 and

21-6604 and repealing the existing sections.

On roll call, the vote was: Yeas 37; Nays 2; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Hawk, Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Haley, Holland.

Present and Passing: Francisco.

The Senate concurred.

### REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 282** be passed.

Also, **SB 87** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2020 Supp. 12-187 is hereby amended to read as follows: 12-187. (a) No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than  $\frac{2}{3}$  of the membership of the governing body of each of one or more cities within such county that contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by  $\frac{2}{3}$  of the membership of the governing body of each of one or more taxing subdivisions within such county that levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Anderson, Atchison, Barton, Brown, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Franklin, Jefferson, Linn, Lyon, Marion, Miami, Montgomery, Neosho, Osage, Ottawa, Reno, Riley, Saline, Seward, Sumner, Thomas, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or

Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.

(C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, (the "downtown arena"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.

(D) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Lyon county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of ad valorem tax reduction and capital outlay. The tax imposed pursuant to this paragraph shall terminate not later than five years after the commencement thereof.

(E) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Rawlins county for the purpose of increasing its countywide retailers' sales tax by 0.75% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of financing the costs of a swimming pool. The tax imposed pursuant to this paragraph shall terminate not later than 15 years after the commencement thereof or upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(F) The result of the election held on December 1, 2009, on the question submitted by the board of county commissioners of Chautauqua county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received from such tax by the county shall be expended for the purposes of financing the costs of constructing, furnishing and equipping a county jail and law

enforcement center and necessary improvements appurtenant to such jail and law enforcement center. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(G) The result of the election held on April 7, 2015, on the question submitted by the board of county commissioners of Bourbon county for the purpose of increasing its retailers' sales tax by 0.4% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(H) The result of the election held on November 7, 2017, on the question submitted by the board of county commissioners of Finney county for the purpose of increasing its countywide retailers' sales tax by 0.3% is hereby declared valid, and the revenues of such tax shall be used by Finney county and the city of Garden City, Kansas, as agreed in an interlocal cooperation agreement between the city and county, and as detailed in the ballot question approved by voters. The tax imposed pursuant to this subparagraph shall be levied for a period of 15 years from the date it is first levied.

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of K.S.A. 68-2314(b)(5), and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to subsection (a)(2) by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax

imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include, but not be limited to, the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(7) (A) The board of county commissioners of Clay and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.50% in the case of Clay county and at a rate of up to 1% in the case of Miami county, and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. Except as otherwise provided, the tax imposed pursuant to this subparagraph shall expire after five years from the date such tax is first collected. The result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Miami county for the purpose of extending for an additional five-year period the countywide retailers' sales tax imposed pursuant to this subsection in Miami county is hereby declared valid. The countywide retailers' sales tax imposed pursuant to this subsection in Clay and Miami county may be extended or reenacted for additional five-year periods upon the board of county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

(B) The board of county commissioners of Dickinson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this subparagraph shall expire after 10 years from the date such tax is first collected.

(8) The board of county commissioners of Sherman county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of street and roadway improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(9) (A) The board of county commissioners of Cowley, Crawford and Woodson

county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% in the case of Crawford and Woodson county and at a rate of up to 0.25%, in the case of Cowley county and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this subparagraph shall expire after five years from the date such tax is first collected.

(B) The board of county commissioners of Russell county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this subparagraph shall expire after 10 years from the date such tax is first collected.

(10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(11) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purposes of conservation, access and management of open space; preservation of cultural heritage; and economic development projects and activities.

(12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.

(13) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of 0.4% and pledging the revenue received therefrom for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. Such tax shall expire after seven years from the date such tax is first collected.

(14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(16) The board of county commissioners of Harvey county may submit the question of imposing a countywide retailers' sales tax at the rate of 1.0% and pledging

the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and public infrastructure improvements to the electors at an election called and held thereon.

(17) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of construction and maintenance of sports and recreational facilities to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(18) The board of county commissioners of Wabaunsee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 15 years from the date such tax is first collected. On and after July 1, 2019, the countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for one additional period not to exceed 15 years upon the board of county commissioners of Wabaunsee county submitting such question to the electors at an election called and held thereon as provided by law. For any countywide retailers' sales tax that is extended or reenacted pursuant to this paragraph, such tax shall expire not later than 15 years from the date such tax is first collected.

(19) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after six years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional six-year periods upon the board of county commissioners of Jefferson county submitting such question to the electors at an election called and held thereon for each additional six-year period as provided by law.

(20) The board of county commissioners of Riley county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(21) The board of county commissioners of Johnson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the construction and operation costs of public safety projects, including, but not limited to, a jail, detention center, sheriff's resource center, crime lab or other county administrative or operational facility dedicated to public safety, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this subsection may be extended or reenacted for additional periods not exceeding 10 years upon the board of county commissioners of Johnson county submitting such question to

the electors at an election called and held thereon for each additional ten-year period as provided by law.

(22) The board of county commissioners of Wilson county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvements to federal highways, the development of a new industrial park and other public infrastructure improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project or projects.

(23) The board of county commissioners of Butler county may submit the question of imposing a countywide retailers' sales tax at the rate of either 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of public safety capital projects or bridge and roadway construction projects, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such projects.

(24) The board of county commissioners of Barton county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction and improvement and infrastructure development and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(25) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of the county's obligation as participating employer to make employer contributions and other required contributions to the Kansas public employees retirement system for eligible employees of the county who are members of the Kansas police and firemen's retirement system, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such purpose.

(26) The board of county commissioners of Pottawatomie county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, or public infrastructure improvements, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project or projects.

(27) The board of county commissioners of Kingman county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of constructing and furnishing a law enforcement center and jail facility and the costs of roadway and bridge improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire not later than 20 years from the date such tax is first collected.

(28) The board of county commissioners of Edwards county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.375% and

pledging the revenue therefrom for the purpose of financing the costs of economic development initiatives to the electors at an election called and held thereon.

(29) The board of county commissioners of Rooks county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue therefrom for the purpose of financing the costs of constructing or remodeling and furnishing a jail facility to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized in financing such project or projects.

(30) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility, detention facility or other county administrative facility, specifically including mental health and for the operation thereof.

(31) The board of county commissioners of Bourbon county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1%, in increments of 0.05%, and pledging the revenue received therefrom for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements to the electors at an election called and held thereon.

(32) The board of county commissioners of Marion county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and the construction of public infrastructure improvements, including buildings, to the electors at an election called and held thereon.

(c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than  $\frac{2}{3}$  of the membership of the governing body of each of one or more cities within each of such counties that contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by  $\frac{2}{3}$  of the membership of the governing body of each of one or more taxing subdivisions within each of such counties that levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Any city retailers' sales tax being levied by a city prior to July 1, 2006, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance for such repeal. Any countywide retailers' sales tax in the amount of 0.5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

(f) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

(g) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

(h) The countywide retailers' sales tax levied by the board of county commissioners of Atchison county pursuant to the result of the election held on August 3, 1993, on the question submitted by the board of county commissioners for the purpose of joint law enforcement communications and solid waste disposal in Atchison county shall terminate not later than June 30, 2023.;

On page 4, in line 1, by striking all after "(i)"; by striking all in lines 2 through 15; in line 16, by striking "thereto" and inserting "In lieu of the apportionment formula provided in subsection (a), all moneys received by the director of taxation from a countywide retailers' sales tax imposed pursuant to an election held on or after July 1, 2021, shall be remitted to and retained by the county and expended only for the purpose for which the revenue received from the tax was pledged, if the board of county commissioners decides at least 60 days prior to such election, by resolution, that the apportionment formula provided in subsection (a) shall not be applicable to the proposed sales tax. On and after July 1, 2021, all ballot propositions shall include a statement explaining whether the apportionment formula of subsection (a) shall apply to the proposed countywide retailers' sales tax"; in line 17, after "Supp." by inserting "12-187 and"; also in line 17, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "apportionment of" and inserting "an Atchison countywide retailers' sales tax; allowing counties to decide whether to apportion"; also in line 2, by striking all after "revenue"; in line 3, by striking "purposes"; in line 4, after "Supp." by inserting "12-187 and"; also in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

**HB 2143** be amended on page 8, in line 23, before "cash" by inserting "commencing on July 1, 2018, and ending on June 30, 2024,";

On page 11, following line 15, by inserting:

"Sec. 2. K.S.A. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act:

(a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes and electronic cigarettes as defined by K.S.A. 79-3301, and amendments thereto, including consumable material for such electronic cigarettes, cereal malt beverages and malt products as defined by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, that is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business; or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation, except that such exemption shall apply to the erection, construction, repair, enlargement or equipment of buildings used for human habitation by the cerebral palsy research foundation of Kansas located in Wichita, Kansas, and multi community diversified services, incorporated, located in McPherson, Kansas;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, that would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining,

repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and that would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities that are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose

other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, that would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(f) tangible personal property purchased by a railroad or public utility for consumption or movement directly and immediately in interstate commerce;

(g) sales of aircraft including remanufactured and modified aircraft sold to persons using directly or through an authorized agent such aircraft as certified or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or sold to any foreign government or agency or instrumentality of such foreign government and all sales of aircraft for use outside of the United States and sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of aircraft;

(h) all rentals of nonsectarian textbooks by public or private elementary or secondary schools;

(i) the lease or rental of all films, records, tapes, or any type of sound or picture transcriptions used by motion picture exhibitors;

(j) meals served without charge or food used in the preparation of such meals to employees of any restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public if such employees' duties are

related to the furnishing or sale of such meals or drinks;

(k) any motor vehicle, semitrailer or pole trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto, or aircraft sold and delivered in this state to a bona fide resident of another state, which motor vehicle, semitrailer, pole trailer or aircraft is not to be registered or based in this state and which vehicle, semitrailer, pole trailer or aircraft will not remain in this state more than 10 days;

(l) all isolated or occasional sales of tangible personal property, services, substances or things, except isolated or occasional sale of motor vehicles specifically taxed under the provisions of K.S.A. 79-3603(o), and amendments thereto;

(m) all sales of tangible personal property that become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property that is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "drug" means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopeia, official homeopathic pharmacopeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of drugs used in the performance or induction of an abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the state board of healing arts;

(r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in

writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by K.S.A. 74-5807(c), and amendments thereto, and repair and replacement parts therefor, including batteries, by a person licensed in the practice of dispensing and fitting hearing aids pursuant to the provisions of K.S.A. 74-5808, and amendments thereto. For the purposes of this subsection: (1) "Mobility enhancing equipment" means equipment including repair and replacement parts to same, but does not include durable medical equipment, which is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; is not generally used by persons with normal mobility; and does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer; and (2) "prosthetic device" means a replacement, corrective or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction or support a weak or deformed portion of the body;

(s) except as provided in K.S.A. 82a-2101, and amendments thereto, all sales of tangible personal property or services purchased directly or indirectly by a groundwater management district organized or operating under the authority of K.S.A. 82a-1020 et seq., and amendments thereto, by a rural water district organized or operating under the authority of K.S.A. 82a-612, and amendments thereto, or by a water supply district organized or operating under the authority of K.S.A. 19-3501 et seq., 19-3522 et seq. or 19-3545, and amendments thereto, which property or services are used in the construction activities, operation or maintenance of the district;

(t) all sales of farm machinery and equipment or aquaculture machinery and equipment, repair and replacement parts therefor and services performed in the repair and maintenance of such machinery and equipment. For the purposes of this subsection the term "farm machinery and equipment or aquaculture machinery and equipment" shall include a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, and is equipped with a bed or cargo box for hauling materials, and shall also include machinery and equipment used in the operation of Christmas tree farming but shall not include any passenger vehicle, truck, truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto. "Farm machinery and equipment" includes precision farming equipment that is portable or is installed or purchased to be installed on farm machinery and equipment. "Precision farming equipment" includes the following items used only in computer-assisted farming, ranching or aquaculture production operations: Soil testing sensors, yield monitors, computers, monitors, software, global positioning and mapping systems, guiding systems, modems, data communications equipment and any necessary mounting hardware, wiring and antennas. Each purchaser of farm machinery and equipment or aquaculture machinery and equipment exempted herein must certify in writing on the copy of the invoice or sales ticket to be retained by the seller that the farm machinery and equipment or aquaculture machinery and equipment purchased will be used only in farming, ranching or aquaculture production. Farming or ranching shall include the operation of a feedlot and farm and ranch work for hire and the operation of a nursery;

(u) all leases or rentals of tangible personal property used as a dwelling if such tangible personal property is leased or rented for a period of more than 28 consecutive days;

(v) all sales of tangible personal property to any contractor for use in preparing meals for delivery to homebound elderly persons over 60 years of age and to homebound disabled persons or to be served at a group-sitting at a location outside of the home to otherwise homebound elderly persons over 60 years of age and to otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization, and all sales of tangible personal property for use in preparing meals for consumption by indigent or homeless individuals whether or not such meals are consumed at a place designated for such purpose, and all sales of food products by or on behalf of any such contractor or organization for any such purpose;

(w) all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes: (1) To residential premises for noncommercial use by the occupant of such premises; (2) for agricultural use and also, for such use, all sales of propane gas; (3) for use in the severing of oil; and (4) to any property which is exempt from property taxation pursuant to K.S.A. 79-201b, *Second* through *Sixth*. As used in this paragraph, "severing" means the same as defined in K.S.A. 79-4216(k), and amendments thereto. For all sales of natural gas, electricity and heat delivered through mains, lines or pipes pursuant to the provisions of subsection (w)(1) and (w)(2), the provisions of this subsection shall expire on December 31, 2005;

(x) all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises occurring prior to January 1, 2006;

(y) all sales of materials and services used in the repairing, servicing, altering, maintaining, manufacturing, remanufacturing, or modification of railroad rolling stock for use in interstate or foreign commerce under authority of the laws of the United States;

(z) all sales of tangible personal property and services purchased directly by a port authority or by a contractor therefor as provided by the provisions of K.S.A. 12-3418, and amendments thereto;

(aa) all sales of materials and services applied to equipment that is transported into the state from without the state for repair, service, alteration, maintenance, remanufacture or modification and that is subsequently transported outside the state for use in the transmission of liquids or natural gas by means of pipeline in interstate or foreign commerce under authority of the laws of the United States;

(bb) all sales of used mobile homes or manufactured homes. As used in this subsection: (1) "Mobile homes" and "manufactured homes" mean the same as defined in K.S.A. 58-4202, and amendments thereto; and (2) "sales of used mobile homes or manufactured homes" means sales other than the original retail sale thereof;

(cc) all sales of tangible personal property or services purchased prior to January 1, 2012, except as otherwise provided, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business or retail business that meets the requirements established in K.S.A. 74-50,115, and amendments thereto, and

the sale and installation of machinery and equipment purchased for installation at any such business or retail business, and all sales of tangible personal property or services purchased on or after January 1, 2012, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business that meets the requirements established in K.S.A. 74-50,115(e), and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business. When a person shall contract for the construction, reconstruction, enlargement or remodeling of any such business or retail business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the owner of the business or retail business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. As used in this subsection, "business" and "retail business" mean the same as defined in K.S.A. 74-50,114, and amendments thereto. Project exemption certificates that have been previously issued under this subsection by the department of revenue pursuant to K.S.A. 74-50,115, and amendments thereto, but not including K.S.A. 74-50,115(e), and amendments thereto, prior to January 1, 2012, and have not expired will be effective for the term of the project or two years from the effective date of the certificate, whichever occurs earlier. Project exemption certificates that are submitted to the department of revenue prior to January 1, 2012, and are found to qualify will be issued a project exemption certificate that will be effective for a two-year period or for the term of the project, whichever occurs earlier;

(dd) all sales of tangible personal property purchased with food stamps issued by the United States department of agriculture;

(ee) all sales of lottery tickets and shares made as part of a lottery operated by the state of Kansas;

(ff) on and after July 1, 1988, all sales of new mobile homes or manufactured homes to the extent of 40% of the gross receipts, determined without regard to any trade-in allowance, received from such sale. As used in this subsection, "mobile homes" and "manufactured homes" mean the same as defined in K.S.A. 58-4202, and amendments thereto;

(gg) all sales of tangible personal property purchased in accordance with vouchers issued pursuant to the federal special supplemental food program for women, infants and children;

(hh) all sales of medical supplies and equipment, including durable medical equipment, purchased directly by a nonprofit skilled nursing home or nonprofit intermediate nursing care home, as defined by K.S.A. 39-923, and amendments thereto, for the purpose of providing medical services to residents thereof. This exemption shall not apply to tangible personal property customarily used for human habitation purposes. As used in this subsection, "durable medical equipment" means equipment including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury and is not worn in or on the body, but does not include mobility enhancing equipment as defined in subsection (r), oxygen delivery equipment, kidney dialysis equipment or enteral feeding systems;

(ii) all sales of tangible personal property purchased directly by a nonprofit organization for nonsectarian comprehensive multidiscipline youth development programs and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(jj) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly on behalf of a community-based facility for people with intellectual disability or mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, and licensed in accordance with the provisions of K.S.A. 2020 Supp. 39-2001 et seq., and amendments thereto, and all sales of tangible personal property or services purchased by contractors during the time period from July, 2003, through June, 2006, for the purpose of constructing, equipping, maintaining or furnishing a new facility for a community-based facility for people with intellectual disability or mental health center located in Riverton, Cherokee County, Kansas, that would have been eligible for sales tax exemption pursuant to this subsection if purchased directly by such facility or center. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(kk) (1) (A) all sales of machinery and equipment that are used in this state as an integral or essential part of an integrated production operation by a manufacturing or processing plant or facility;

(B) all sales of installation, repair and maintenance services performed on such machinery and equipment; and

(C) all sales of repair and replacement parts and accessories purchased for such machinery and equipment.

(2) For purposes of this subsection:

(A) "Integrated production operation" means an integrated series of operations engaged in at a manufacturing or processing plant or facility to process, transform or convert tangible personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. Integrated production operations shall include: (i) Production line operations, including packaging operations; (ii) preproduction operations to handle, store and treat raw materials; (iii) post production handling, storage, warehousing and distribution operations; and (iv) waste, pollution and environmental control operations, if any;

(B) "production line" means the assemblage of machinery and equipment at a manufacturing or processing plant or facility where the actual transformation or processing of tangible personal property occurs;

(C) "manufacturing or processing plant or facility" means a single, fixed location owned or controlled by a manufacturing or processing business that consists of one or more structures or buildings in a contiguous area where integrated production operations are conducted to manufacture or process tangible personal property to be ultimately sold at retail. Such term shall not include any facility primarily operated for the purpose of conveying or assisting in the conveyance of natural gas, electricity, oil or water. A business may operate one or more manufacturing or processing plants or facilities at different locations to manufacture or process a single product of tangible personal property to be ultimately sold at retail;

(D) "manufacturing or processing business" means a business that utilizes an integrated production operation to manufacture, process, fabricate, finish or assemble items for wholesale and retail distribution as part of what is commonly regarded by the general public as an industrial manufacturing or processing operation or an agricultural commodity processing operation. (i) Industrial manufacturing or processing operations include, by way of illustration but not of limitation, the fabrication of automobiles, airplanes, machinery or transportation equipment, the fabrication of metal, plastic, wood or paper products, electricity power generation, water treatment, petroleum refining, chemical production, wholesale bottling, newspaper printing, ready mixed concrete production, and the remanufacturing of used parts for wholesale or retail sale. Such processing operations shall include operations at an oil well, gas well, mine or other excavation site where the oil, gas, minerals, coal, clay, stone, sand or gravel that has been extracted from the earth is cleaned, separated, crushed, ground, milled, screened, washed or otherwise treated or prepared before its transmission to a refinery or before any other wholesale or retail distribution. (ii) Agricultural commodity processing operations include, by way of illustration but not of limitation, meat packing, poultry slaughtering and dressing, processing and packaging farm and dairy products in sealed containers for wholesale and retail distribution, feed grinding, grain milling, frozen food processing, and grain handling, cleaning, blending, fumigation, drying and aeration operations engaged in by grain elevators or other grain storage facilities. (iii) Manufacturing or processing businesses do not include, by way of illustration but not of limitation, nonindustrial businesses whose operations are primarily retail and that produce or process tangible personal property as an incidental part of conducting the retail business, such as retailers who bake, cook or prepare food products in the regular course of their retail trade, grocery stores, meat lockers and meat markets that butcher or dress livestock or poultry in the regular course of their retail trade, contractors who alter, service, repair or improve real property, and retail businesses that clean, service or refurbish and repair tangible personal property for its owner;

(E) "repair and replacement parts and accessories" means all parts and accessories for exempt machinery and equipment, including, but not limited to, dies, jigs, molds, patterns and safety devices that are attached to exempt machinery or that are otherwise used in production, and parts and accessories that require periodic replacement such as belts, drill bits, grinding wheels, grinding balls, cutting bars, saws, refractory brick and other refractory items for exempt kiln equipment used in production operations;

(F) "primary" or "primarily" mean more than 50% of the time.

(3) For purposes of this subsection, machinery and equipment shall be deemed to be used as an integral or essential part of an integrated production operation when used:

(A) To receive, transport, convey, handle, treat or store raw materials in preparation of its placement on the production line;

(B) to transport, convey, handle or store the property undergoing manufacturing or processing at any point from the beginning of the production line through any warehousing or distribution operation of the final product that occurs at the plant or facility;

(C) to act upon, effect, promote or otherwise facilitate a physical change to the property undergoing manufacturing or processing;

(D) to guide, control or direct the movement of property undergoing manufacturing or processing;

(E) to test or measure raw materials, the property undergoing manufacturing or processing or the finished product, as a necessary part of the manufacturer's integrated production operations;

(F) to plan, manage, control or record the receipt and flow of inventories of raw materials, consumables and component parts, the flow of the property undergoing manufacturing or processing and the management of inventories of the finished product;

(G) to produce energy for, lubricate, control the operating of or otherwise enable the functioning of other production machinery and equipment and the continuation of production operations;

(H) to package the property being manufactured or processed in a container or wrapping in which such property is normally sold or transported;

(I) to transmit or transport electricity, coke, gas, water, steam or similar substances used in production operations from the point of generation, if produced by the manufacturer or processor at the plant site, to that manufacturer's production operation; or, if purchased or delivered from off-site, from the point where the substance enters the site of the plant or facility to that manufacturer's production operations;

(J) to cool, heat, filter, refine or otherwise treat water, steam, acid, oil, solvents or other substances that are used in production operations;

(K) to provide and control an environment required to maintain certain levels of air quality, humidity or temperature in special and limited areas of the plant or facility, where such regulation of temperature or humidity is part of and essential to the production process;

(L) to treat, transport or store waste or other byproducts of production operations at the plant or facility; or

(M) to control pollution at the plant or facility where the pollution is produced by the manufacturing or processing operation.

(4) The following machinery, equipment and materials shall be deemed to be exempt even though it may not otherwise qualify as machinery and equipment used as an integral or essential part of an integrated production operation: (A) Computers and related peripheral equipment that are utilized by a manufacturing or processing business for engineering of the finished product or for research and development or product design; (B) machinery and equipment that is utilized by a manufacturing or processing business to manufacture or rebuild tangible personal property that is used in manufacturing or processing operations, including tools, dies, molds, forms and other parts of qualifying machinery and equipment; (C) portable plants for aggregate

concrete, bulk cement and asphalt including cement mixing drums to be attached to a motor vehicle; (D) industrial fixtures, devices, support facilities and special foundations necessary for manufacturing and production operations, and materials and other tangible personal property sold for the purpose of fabricating such fixtures, devices, facilities and foundations. An exemption certificate for such purchases shall be signed by the manufacturer or processor. If the fabricator purchases such material, the fabricator shall also sign the exemption certificate; (E) a manufacturing or processing business' laboratory equipment that is not located at the plant or facility, but that would otherwise qualify for exemption under subsection (3)(E); (F) all machinery and equipment used in surface mining activities as described in K.S.A. 49-601 et seq., and amendments thereto, beginning from the time a reclamation plan is filed to the acceptance of the completed final site reclamation.

(5) "Machinery and equipment used as an integral or essential part of an integrated production operation" shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications and employee work scheduling;

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;

(D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;

(E) furniture and other furnishings;

(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;

(G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;

(H) machinery and equipment used for general plant heating, cooling and lighting;

(I) motor vehicles that are registered for operation on public highways; or

(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.

(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purposes at other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption.

(7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection;

(ll) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such materials purchased by a nonprofit corporation which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;

(nn) except as otherwise provided in this act, all sales of services rendered by an advertising agency or licensed broadcast station or any member, agent or employee thereof;

(oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low-income individuals;

(pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;

(qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization that is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(rr) all sales of tangible personal property that will admit the purchaser thereof to any annual event sponsored by a nonprofit organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property purchased by a nonprofit organization which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;

(tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;

(uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions;

(vv) all sales of tangible personal property purchased by any of the following organizations that are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such purpose:

(1) The American heart association, Kansas affiliate, inc. for the purposes of providing education, training, certification in emergency cardiac care, research and

other related services to reduce disability and death from cardiovascular diseases and stroke;

(2) the Kansas alliance for the mentally ill, inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

(3) the Kansas mental illness awareness council for the purposes of advocacy for persons who are mentally ill and for education, research and support for them and their families;

(4) the American diabetes association Kansas affiliate, inc. for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;

(5) the American lung association of Kansas, inc. for the purpose of eliminating all lung diseases through medical research, public education including information on coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;

(6) the Kansas chapters of the Alzheimer's disease and related disorders association, inc. for the purpose of providing assistance and support to persons in Kansas with Alzheimer's disease, and their families and caregivers;

(7) the Kansas chapters of the Parkinson's disease association for the purpose of eliminating Parkinson's disease through medical research and public and professional education related to such disease;

(8) the national kidney foundation of Kansas and western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease;

(9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;

(10) the cystic fibrosis foundation, heart of America chapter, for the purposes of assuring the development of the means to cure and control cystic fibrosis and improving the quality of life for those with the disease;

(11) the spina bifida association of Kansas for the purpose of providing financial, educational and practical aid to families and individuals with spina bifida. Such aid includes, but is not limited to, funding for medical devices, counseling and medical educational opportunities;

(12) the CHWC, Inc., for the purpose of rebuilding urban core neighborhoods through the construction of new homes, acquiring and renovating existing homes and other related activities, and promoting economic development in such neighborhoods;

(13) the cross-lines cooperative council for the purpose of providing social services to low income individuals and families;

(14) the dreams work, inc., for the purpose of providing young adult day services to individuals with developmental disabilities and assisting families in avoiding institutional or nursing home care for a developmentally disabled member of their family;

(15) the KSDS, Inc., for the purpose of promoting the independence and inclusion of people with disabilities as fully participating and contributing members of their communities and society through the training and providing of guide and service dogs to people with disabilities, and providing disability education and awareness to the

general public;

(16) the lyme association of greater Kansas City, Inc., for the purpose of providing support to persons with lyme disease and public education relating to the prevention, treatment and cure of lyme disease;

(17) the dream factory, inc., for the purpose of granting the dreams of children with critical and chronic illnesses;

(18) the Ottawa Suzuki strings, inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;

(19) the international association of lions clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;

(20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;

(21) the American cancer society, inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;

(22) the community services of Shawnee, inc., for the purpose of providing food and clothing to those in need;

(23) the angel babies association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies; and

(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;

(ww) all sales of tangible personal property purchased by the habitat for humanity for the exclusive use of being incorporated within a housing project constructed by such organization;

(xx) all sales of tangible personal property and services purchased by a nonprofit zoo that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986 contracted with to operate such zoo and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo that would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon

completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the nonprofit zoo concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(yy) all sales of tangible personal property and services purchased by a parent-teacher association or organization, and all sales of tangible personal property by or on behalf of such association or organization;

(zz) all sales of machinery and equipment purchased by over-the-air, free access radio or television station that is used directly and primarily for the purpose of producing a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. For purposes of this subsection, machinery and equipment shall include, but not be limited to, that required by rules and regulations of the federal communications commission, and all sales of electricity which are essential or necessary for the purpose of producing a broadcast signal or is such that the failure of the electricity would cause broadcasting to cease;

(aaa) all sales of tangible personal property and services purchased by a religious organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and used exclusively for religious purposes, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of

the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(bbb) all sales of food for human consumption by an organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program that offers such food at a price below cost in exchange for the performance of community service by the purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center that would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property and services purchased by a primary care clinic or health center which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining,

repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such clinic or center concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(ddd) on and after January 1, 1999, and before January 1, 2000, all sales of materials and services purchased by any class II or III railroad as classified by the federal surface transportation board for the construction, renovation, repair or replacement of class II or III railroad track and facilities used directly in interstate commerce. In the event any such track or facility for which materials and services were purchased sales tax exempt is not operational for five years succeeding the allowance of such exemption, the total amount of sales tax that would have been payable except for the operation of this subsection shall be recouped in accordance with rules and regulations adopted for such purpose by the secretary of revenue;

(eee) on and after January 1, 1999, and before January 1, 2001, all sales of materials and services purchased for the original construction, reconstruction, repair or replacement of grain storage facilities, including railroad sidings providing access thereto;

(fff) all sales of material handling equipment, racking systems and other related machinery and equipment that is used for the handling, movement or storage of tangible personal property in a warehouse or distribution facility in this state; all sales of installation, repair and maintenance services performed on such machinery and equipment; and all sales of repair and replacement parts for such machinery and equipment. For purposes of this subsection, a warehouse or distribution facility means a single, fixed location that consists of buildings or structures in a contiguous area where

storage or distribution operations are conducted that are separate and apart from the business' retail operations, if any, and that do not otherwise qualify for exemption as occurring at a manufacturing or processing plant or facility. Material handling and storage equipment shall include aeration, dust control, cleaning, handling and other such equipment that is used in a public grain warehouse or other commercial grain storage facility, whether used for grain handling, grain storage, grain refining or processing, or other grain treatment operation;

(ggg) all sales of tangible personal property and services purchased by or on behalf of the Kansas academy of science, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and used solely by such academy for the preparation, publication and dissemination of education materials;

(hhh) all sales of tangible personal property and services purchased by or on behalf of all domestic violence shelters that are member agencies of the Kansas coalition against sexual and domestic violence;

(iii) all sales of personal property and services purchased by an organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and such personal property and services are used by any such organization in the collection, storage and distribution of food products to nonprofit organizations that distribute such food products to persons pursuant to a food distribution program on a charitable basis without fee or charge, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities used for the collection and storage of such food products for any such organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for

which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(jjj) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "dietary supplement" means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. § 101.36;

(lll) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization;

(mmm) all sales of tangible personal property purchased by or on behalf of the Marillac center, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(nnn) all sales of tangible personal property and services purchased by the west Sedgwick county-sunrise rotary club and sunrise charitable fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and

disabilities;

(ooo) all sales of tangible personal property by or on behalf of a public library serving the general public and supported in whole or in part with tax money or a not-for-profit organization whose purpose is to raise funds for or provide services or other benefits to any such public library;

(ppp) all sales of tangible personal property and services purchased by or on behalf of a homeless shelter that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal income tax code of 1986, and used by any such homeless shelter to provide emergency and transitional housing for individuals and families experiencing homelessness, and all sales of any such property by or on behalf of any such homeless shelter for any such purpose;

(qqq) all sales of tangible personal property and services purchased by TLC for children and families, inc., hereinafter referred to as TLC, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of TLC for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by TLC. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC. When TLC contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon

conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(rrr) all sales of tangible personal property and services purchased by any county law library maintained pursuant to law and sales of tangible personal property and services purchased by an organization that would have been exempt from taxation under the provisions of this subsection if purchased directly by the county law library for the purpose of providing legal resources to attorneys, judges, students and the general public, and all sales of any such property by or on behalf of any such county law library;

(sss) all sales of tangible personal property and services purchased by catholic charities or youthville, hereinafter referred to as charitable family providers, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of charitable family providers for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for charitable family providers for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by charitable family providers. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for charitable family providers. When charitable family providers contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to charitable family providers a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, charitable family providers shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials,

shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(ttt) all sales of tangible personal property or services purchased by a contractor for a project for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility owned by a nonprofit museum that has been granted an exemption pursuant to subsection (qq), which such home or facility is located in a city that has been designated as a qualified hometown pursuant to the provisions of K.S.A. 75-5071 et seq., and amendments thereto, and which such project is related to the purposes of K.S.A. 75-5071 et seq., and amendments thereto, and that would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit museum. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility for any such nonprofit museum. When any such nonprofit museum shall contract for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such nonprofit museum a sworn statement on a form to be provided by the director of taxation that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in a home or facility or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such nonprofit museum shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(uuu) all sales of tangible personal property and services purchased by Kansas children's service league, hereinafter referred to as KCSL, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing for the prevention and treatment of child abuse and maltreatment as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of KCSL for any such purpose; and all sales of tangible

personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for KCSL for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by KCSL. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for KCSL. When KCSL contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to KCSL a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, KCSL shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(vvv) all sales of tangible personal property or services, including the renting and leasing of tangible personal property or services, purchased by jazz in the woods, inc., a Kansas corporation that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing jazz in the woods, an event benefiting children-in-need and other nonprofit charities assisting such children, and all sales of any such property by or on behalf of such organization for such purpose;

(www) all sales of tangible personal property purchased by or on behalf of the Frontenac education foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education support for students, and all sales of any such property by or on behalf of such organization for such purpose;

(xxx) all sales of personal property and services purchased by the booth theatre foundation, inc., an organization, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which

such personal property and services are used by any such organization in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling of the booth theatre, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling the booth theatre for such organization, that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after January 1, 2007, but prior to the effective date of this act upon the gross receipts received from any sale which would have been exempted by the provisions of this subsection had such sale occurred after the effective date of this act shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(yyy) all sales of tangible personal property and services purchased by TLC charities foundation, inc., hereinafter referred to as TLC charities, which is exempt from

federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of encouraging private philanthropy to further the vision, values, and goals of TLC for children and families, inc.; and all sales of such property and services by or on behalf of TLC charities for any such purpose and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC charities for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by TLC charities. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC charities. When TLC charities contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC charities a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be incorporated into the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC charities shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(zzz) all sales of tangible personal property purchased by the rotary club of shawnee foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended, used for the purpose of providing contributions to community service organizations and scholarships;

(aaaa) all sales of personal property and services purchased by or on behalf of victory in the valley, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing a cancer support group and services for persons with cancer, and all sales of any such property by or on behalf of any such organization for any such purpose;

(bbbb) all sales of entry or participation fees, charges or tickets by Guadalupe health foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for such organization's annual fundraising event which purpose is to provide health care services for uninsured workers;

(cccc) all sales of tangible personal property or services purchased by or on behalf of wayside waifs, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing such organization's annual fundraiser, an event whose purpose is to support the care of homeless and abandoned animals, animal adoption efforts, education programs for children and efforts to reduce animal over-population and animal welfare services, and all sales of any such property, including entry or participation fees or charges, by or on behalf of such organization for such purpose;

(dddd) all sales of tangible personal property or services purchased by or on behalf of goodwill industries or Easter seals of Kansas, inc., both of which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education, training and employment opportunities for people with disabilities and other barriers to employment;

(eeee) all sales of tangible personal property or services purchased by or on behalf of all American beef battalion, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of educating, promoting and participating as a contact group through the beef cattle industry in order to carry out such projects that provide support and morale to members of the United States armed forces and military services;

(ffff) all sales of tangible personal property and services purchased by sheltered living, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing residential and day services for people with developmental disabilities or intellectual disability, or both, and all sales of any such property by or on behalf of sheltered living, inc., for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling homes and facilities for sheltered living, inc., for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by sheltered living, inc. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities for sheltered living, inc. When sheltered living, inc., contracts for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to sheltered living, inc., a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the

contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, sheltered living, inc., shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(gggg) all sales of game birds for which the primary purpose is use in hunting;

(hhhh) all sales of tangible personal property or services purchased on or after July 1, 2014, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business identified under the North American industry classification system (NAICS) subsectors 1123, 1124, 112112, 112120 or 112210, and the sale and installation of machinery and equipment purchased for installation at any such business. The exemption provided in this subsection shall not apply to projects that have actual total costs less than \$50,000. When a person contracts for the construction, reconstruction, enlargement or remodeling of any such business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to the owner of the business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor of the contractor, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(iiii) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for Wichita children's home for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by Wichita children's home. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such

facilities for Wichita children's home. When Wichita children's home contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to Wichita children's home a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, Wichita children's home shall be liable for the tax on all materials purchased for the project, and upon payment, it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(jjjj) all sales of tangible personal property or services purchased by or on behalf of the beacon, inc., that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing those desiring help with food, shelter, clothing and other necessities of life during times of special need;

(kkkk) all sales of tangible personal property and services purchased by or on behalf of reaching out from within, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of sponsoring self-help programs for incarcerated persons that will enable such incarcerated persons to become role models for non-violence while in correctional facilities and productive family members and citizens upon return to the community;

(llll) all sales of tangible personal property and services purchased by Gove county healthcare endowment foundation, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of constructing and equipping an airport in Quinter, Kansas, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing and equipping an airport in Quinter, Kansas, for such organization, that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing or equipping of facilities for such organization. When such organization shall contract for the purpose of constructing or

equipping an airport in Quinter, Kansas, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation no later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. The provisions of this subsection shall expire and have no effect on and after July 1, 2019; and

(mmmm) all sales of gold or silver coins; and palladium, platinum, gold or silver bullion. For the purposes of this subsection, "bullion" means bars, ingots or commemorative medallions of gold, silver, platinum, palladium, or a combination thereof, for which the value of the metal depends on its content and not the form.

Sec. 3. On and after January 1, 2022, K.S.A. 79-3607 is hereby amended to read as follows: 79-3607. (a) Retailers shall make returns to the director at the times prescribed by this section in the manner prescribed by the director, including electronic filing, upon forms or format prescribed by the director stating: (1) The name and address of the retailer; (2) the total amount of gross sales of all tangible personal property and taxable services rendered by the retailer during the period for which the return is made; (3) the total amount received during the period for which the return is made on charge and time sales of tangible personal property made and taxable services rendered prior to the period for which the return is made; (4) deductions allowed by law from such total amount of gross sales and from total amount received during the period for which the return is made on such charge and time sales; (5) receipts during the period for which the return is made from the total amount of sales of tangible personal property and taxable services rendered during such period in the course of such business, after deductions allowed by law have been made; (6) receipts during the period for which the return is made from charge and time sales of tangible personal property made and taxable services rendered prior to such period in the course of such business, after deductions allowed by law have been made; (7) gross receipts during the period for which the return is made from sales of tangible personal property and taxable services

rendered in the course of such business upon the basis of which the tax is imposed. The return shall include such other pertinent information as the director may require. In making such return, the retailer shall determine the market value of any consideration, other than money, received in connection with the sale of any tangible personal property in the course of the business and shall include such value in the return. Such value shall be subject to review and revision by the director as hereinafter provided. Refunds made by the retailer during the period for which the return is made on account of tangible personal property returned to the retailer shall be allowed as a deduction under paragraph (4) of this section in case the retailer has theretofore included the receipts from such sale in a return made by such retailer and paid taxes therein imposed by this act. The retailer shall, at the time of making such return, pay to the director the amount of tax herein imposed, except as otherwise provided in this section. The director may extend the time for making returns and paying the tax required by this act for any period not to exceed 60 days under such rules and regulations as the secretary of revenue may prescribe. When the total tax for which any retailer is liable under this act, does not exceed the sum of ~~\$400~~ \$15,000 in any calendar year, the retailer shall file an annual return on or before January 25 of the following year. When the total tax liability does not exceed ~~\$4,000~~ \$25,000 in any calendar year, the retailer shall file returns quarterly on or before the 25<sup>th</sup> day of the month following the end of each calendar quarter. When the total tax liability exceeds ~~\$4,000~~ \$25,000 in any calendar year, the retailer shall file a return for each month on or before the 25<sup>th</sup> day of the following month. ~~When the total tax liability exceeds \$40,000 in any calendar year, the retailer shall be required to pay the sales tax liability for the first 15 days of each month to the director on or before the 25<sup>th</sup> day of that month. Any such payment shall accompany the return filed for the preceding month. A retailer will be considered to have complied with the requirements to pay the first 15 days' liability for any month if, on or before the 25<sup>th</sup> day of that month, the retailer paid 90% of the liability for that fifteen day period, or 50% of such retailer's liability in the immediate preceding calendar year for the same month as the month in which the fifteen day period occurs computed at the rate applicable in the month in which the fifteen day period occurs, and, in either case, paid any underpayment with the payment required on or before the 25<sup>th</sup> day of the following month. Such retailers shall pay their sales tax liabilities for the remainder of each such month at the time of filing the return for such month.~~ Determinations of amounts of liability in a calendar year for purposes of determining filing requirements shall be made by the director upon the basis of amounts of liability by those retailers during the preceding calendar year or by estimates in cases of retailers having no previous sales tax histories. The director is hereby authorized to modify the filing schedule for any retailer when it is apparent that the original determination was inaccurate.

(b) All model 1, model 2 and model 3 sellers are required to file returns electronically. Any model 1, model 2 or model 3 seller may submit its sales and use tax returns in a simplified format approved by the director. Any seller that is registered under the agreement, which does not have a legal requirement to register in this state, and is not a model 1, model 2 or model 3 seller, may submit its sales and use tax returns as follows:

- (1) Upon registration, the director shall provide to the seller the returns required;
- (2) seller shall file a return anytime within one year of the month of initial registration, and future returns are required on an annual basis in succeeding years; and

(3) in addition to the returns required in subsection (b)(2), sellers are required to submit returns in the month following any month in which they have accumulated state and local sales tax funds for this state in the amount of \$1,600 or more.";

Also on page 11, in line 16, by striking "is" and inserting "and 79-3606 are"; following line 16, by inserting:

"Sec. 5. On and after January 1, 2022, K.S.A. 79-3607 is hereby repealed.";

Also on page 11, in line 18, by striking "statute book" and inserting "Kansas register"; and by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "on" and inserting "; extending the sunset date of the exemption of"; in line 2, by striking all after the semicolon; in line 3, by striking "permanent" and inserting "modifying the exemption for construction materials for certain educational institutions; relating to returns and payment of tax by retailers; increasing sales tax collection thresholds; discontinuing the prepayment of such tax"; also in line 3, after "79-3602" by inserting ", 79-3606 and 79-3607"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Assessment and Taxation** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee reports without recommendation to the Senate such appointment:

By the Governor:

*Member, State Board of Tax Appeals:* K.S.A. 74-2433

Kristen Wheeler, to serve a term ending on January 15, 2025.

Committee on **Federal and State Affairs** recommends **Substitute for HB 2089** be amended on page 1, in line 18, after "or" by inserting ", at the discretion of the board of education of the school district,"; also in line 18, after "program" by inserting "or any other firearm safety education program"; in line 20, after the comma by inserting "at the discretion of the board of education of the school district,"; in line 21, after "program" by inserting "or any other firearm safety education program"; and the bill be passed as amended.

Also, **HB 2183** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2183," as follows:

"Senate Substitute for HOUSE BILL No. 2183

By Committee on Federal and State Affairs

"AN ACT concerning elections; creating the transparency in revenues underwriting elections act; prohibiting the receipt and expenditure of private moneys by election officials; relating to advance voting ballots; requiring signed statements for delivery of such ballots on behalf of a voter; limiting the number of ballots that can be delivered; prohibiting the altering or backdating of the mailing date on such ballots; requiring a matching signature on such ballots; removing the secretary of state's authority to provide additional time for receipt of such ballots; prohibiting candidates for office from engaging in certain conduct related to advance voting ballots; expanding the crime of electioneering; penalties for violations; amending K.S.A. 2020 Supp. 25-1124, 25-1128, 25-1132 and 25-2430 and repealing the existing sections; also repealing K.S.A. 25-608."; and the substitute bill be passed.

Committee on **Federal and State Affairs** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

*Member, Kansas Racing and Gaming Commission: K.S.A. 74-8803*

Brandon Jones, to serve a term ending January 15, 2025

*Member, State Civil Service Board: K.S.A. 75-2929a*

Sheryl Gilchrist, to serve a term ending March 15, 2025

Tom Phillips, to serve a term ending March 15, 2025

Committee on **Financial Institutions and Insurance** recommends **HB 2074** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2074," as follows:

"Senate Substitute for HOUSE BILL No. 2074

By Committee on Financial Institutions and Insurance

"AN ACT concerning financial institutions; enacting the technology-enabled fiduciary financial institutions act; relating to requirements, fiduciary powers, duties, functions and limitations for such fiduciary financial institutions; pilot program; prescribing administrative powers and duties for the state banking board and the state bank commissioner; establishing the technology-enabled fiduciary financial institutions development and expansion fund; providing an income and privilege tax credit for technology-enabled fiduciary financial institutions making certain qualified charitable distributions."; and the substitute bill be passed.

Committee on **Judiciary** recommends **HB 2153** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2153," as follows:

"Senate Substitute for HOUSE BILL No. 2153

By Committee on Judiciary

"AN ACT concerning children and minors; establishing the office of the child advocate within the office of the attorney general and prescribing certain powers, duties and functions therefor; the joint committee on child welfare system oversight; authorizing access to certain records; amending K.S.A. 2020 Supp. 38-2211, 38-2212, 38-2213, 38-2309 and 38-2310 and repealing the existing sections."; and the substitute bill be passed.

Also, **HB 2082** be amended on page 5, in line 1, after "a" by inserting ":

(A) Victim, as defined in K.S.A. 74-7301(m)(4), and amendments thereto, if the board finds there was good cause for the failure to file within the time specified in this subsection and the claim is filed before the victim turns 19 years of age; or

(B)";

Also on page 5, in line 4, after "subsection" by inserting "and:

(i) The claim is filed with the division within 10 years of the date such crime was committed; or

(ii) if the victim was less than 18 years of age at the time such crime was committed, the claim is filed within 10 years of the date the victim turns 18 years of age";

Also on page 5, also in line 4, after the period by inserting:

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

**HB 2377**, as amended by House Committee, be amended on page 10, in line 15, after "hours" by inserting "of"; in line 22, after "hours" by inserting "of"; in line 27, after "hours" by inserting "of"; in line 29, after "hours" by inserting "of"; also in line 29, after "thereafter" by inserting a comma;

On page 11, in line 18, after the stricken material by inserting "The following

conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, provided such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2020 Supp. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence.";

On page 18, in line 17, by striking "three standard violations" and inserting "one standard violation";

On page 21, in line 26, by striking "300%" and inserting "150%"; in line 35, by striking "the following amounts, and" and inserting "50% of the program costs."; in line 37, by striking the colon; by striking all in lines 38 through 43;

On page 22, by striking all in lines 1 through 7; in line 8, by striking all before the period;

On page 23, in line 25, after "hours" by inserting "of"; in line 32, after "hours" by inserting "of"; in line 37, after "hours" by inserting "of"; in line 39, after "hours" by inserting "of confinement";

On page 24, in line 33, after "hours" by inserting "of"; also in line 33, after "imprisonment" by inserting a comma; in line 40, after "days" by inserting "of"; in line 42, after "hours" by inserting "of confinement"; in line 43, after "thereafter" by inserting a comma; also in line 43, by striking "day-for day-credit" and inserting "day-for-day credit";

On page 25, in line 33, before the semicolon by inserting ". The following conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, provided such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2020 Supp. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive

day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence";

On page 26, in line 14, after the stricken material by inserting "The following conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, provided such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2020 Supp. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence.";

On page 35, following line 33, by inserting:

"Sec. 10. K.S.A. 2020 Supp. 21-6604 is hereby amended to read as follows: 21-6604. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

(1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

(2) impose the fine applicable to the offense and may impose the provisions of subsection (q);

(3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases ~~except for violations of K.S.A. 8-1567 or 8-2,144, and amendments thereto,~~ the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence;

(4) assign the defendant to a community correctional services program as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate,

including orders requiring full or partial restitution;

(5) assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;

(6) assign the defendant to a house arrest program pursuant to K.S.A. 2020 Supp. 21-6609, and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by K.S.A. 2020 Supp. 21-6602(c), and amendments thereto;

(8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity that materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant, if one of the current crimes of conviction of the defendant includes escape from custody or aggravated escape from custody, as defined in K.S.A. 2020 Supp. 21-5911, and amendments thereto; repay expenses incurred by a fire district, fire department or fire company responding to a fire that has been determined to be arson or aggravated arson as defined in K.S.A. 2020 Supp. 21-5812, and amendments thereto, if the defendant is convicted of such crime; repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation that leads to the defendant's conviction; or repay the amount of any medical costs and expenses incurred by any law enforcement agency or county. Such repayment of the amount of any such costs and expenses incurred by a county, law enforcement agency, fire district, fire department or fire company or any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited to prior to use by the county, law enforcement agency, fire district, fire department or fire company;

(9) order the defendant to pay the administrative fee authorized by K.S.A. 22-4529, and amendments thereto, unless waived by the court;

(10) order the defendant to pay a domestic violence special program fee authorized by K.S.A. 20-369, and amendments thereto;

(11) if the defendant is convicted of a misdemeanor or convicted of a felony specified in K.S.A. 2020 Supp. 21-6804(i), and amendments thereto, assign the defendant to a work release program, other than a program at a correctional institution under the control of the secretary of corrections as defined in K.S.A. 75-5202, and amendments thereto, provided such work release program requires such defendant to return to confinement at the end of each day in the work release program. On a second or subsequent conviction of K.S.A. 8-1567, and amendments thereto, an offender placed into a work release program shall serve the total number of hours of confinement mandated by that section;

(12) order the defendant to pay the full amount of unpaid costs associated with the conditions of release of the appearance bond under K.S.A. 22-2802, and amendments thereto;

(13) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and through (12); or

(14) suspend imposition of sentence in misdemeanor cases.

(b) (1) In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant's crime. Restitution shall be due immediately unless: (A) The court orders that the defendant be given a specified time to pay or be allowed to pay in specified installments; or (B) the court finds compelling circumstances that would render restitution unworkable, either in whole or in part. In regard to a violation of K.S.A. 2020 Supp. 21-6107, and amendments thereto, such damage or loss shall include, but not be limited to, attorney fees and costs incurred to repair the credit history or rating of the person whose personal identification documents were obtained and used in violation of such section, and to satisfy a debt, lien or other obligation incurred by the person whose personal identification documents were obtained and used in violation of such section. In regard to a violation of K.S.A. 2020 Supp. 21-5801, 21-5807 or 21-5813, and amendments thereto, such damage or loss shall include the cost of repair or replacement of the property that was damaged, the reasonable cost of any loss of production, crops and livestock, reasonable labor costs of any kind, reasonable material costs of any kind and any reasonable costs that are attributed to equipment that is used to abate or repair the damage to the property. If the court finds restitution unworkable, either in whole or in part, the court shall state on the record in detail the reasons therefor.

(2) If the court orders restitution, the restitution shall be a judgment against the defendant that may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the restitution order, and the victim to whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 60-4301 et seq., and amendments thereto, the court shall assign an agent procured by the judicial administrator pursuant to K.S.A. 20-169, and amendments thereto, to collect the restitution on behalf of the victim. The chief judge of each judicial district may assign such cases to an appropriate division of the court for the conduct of civil collection proceedings.

(3) If a restitution order entered prior to the effective date of this act does not give the defendant a specified time to pay or set payment in specified installments, the defendant may file a motion with the court prior to December 31, 2020, proposing payment of restitution in specified installments. The court may recall the restitution order from the agent assigned pursuant to K.S.A. 20-169, and amendments thereto, until the court rules on such motion. If the court does not order payment in specified installments or if the defendant does not file a motion prior to December 31, 2020, the restitution shall be due immediately.

(c) In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by K.S.A. 2020 Supp. 21-6602(d), and amendments thereto.

(d) In addition to any of the above, the court shall order the defendant to reimburse the county general fund for all or a part of the expenditures by the county to provide counsel and other defense services to the defendant. Any such reimbursement to the county shall be paid only after any order for restitution has been paid in full. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum

and who is not willfully in default in the payment thereof may at any time petition the court that sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(e) In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole, conditional release or postrelease supervision.

(f) (1) When a new felony is committed while the offender is incarcerated and serving a sentence for a felony, or while the offender is on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony, a new sentence shall be imposed consecutively pursuant to the provisions of K.S.A. 2020 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(2) When a new felony is committed during a period of time when the ~~defendant~~ offender would have been on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony had the ~~defendant~~ offender not been granted release by the court pursuant to K.S.A. 2020 Supp. 21-6608(d), and amendments thereto, or the prisoner review board pursuant to K.S.A. 22-3717, and amendments thereto, the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(3) When a new felony is committed while the offender is incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671, prior to its repeal, or K.S.A. 2020 Supp. 38-2373, and amendments thereto, for an offense, which if committed by an adult would constitute the commission of a felony, upon conviction, the court shall sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. The conviction shall operate as a full and complete discharge from any obligations, except for an order of restitution, imposed on the offender arising from the offense for which the offender was committed to a juvenile correctional facility.

(4) When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, or similar provisions of the laws of another jurisdiction, a new sentence may be imposed consecutively pursuant to the provisions of K.S.A. 2020 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(g) Prior to imposing a dispositional departure for a defendant whose offense is

classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, and whose offense does not meet the requirements of K.S.A. 2020 Supp. 21-6824, and amendments thereto, prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, and whose offense does not meet the requirements of K.S.A. 2020 Supp. 21-6824, and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendments thereto, or a community intermediate sanction center. Pursuant to this subsection the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or community intermediate sanction center and the defendant meets all of the conservation camp's or community intermediate sanction center's placement criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or community intermediate sanction center.

(h) In committing a defendant to the custody of the secretary of corrections, the court shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.

(i) In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court that sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment

voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

(j) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office or impose any other civil penalty as a result of conviction of crime.

(k) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(l) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary's custody if the inmate:

(1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, for an offense that is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, or for an offense that is classified in grid blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, and such offense does not meet the requirements of K.S.A. 2020 Supp. 21-6824, and amendments thereto; and

(2) otherwise meets admission criteria of the camp.

If the inmate successfully completes a conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by K.S.A. 2020 Supp. 21-6608, and amendments thereto.

(m) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.

(n) (1) Except as provided by K.S.A. 2020 Supp. 21-6630 and 21-6805(f), and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 2020 Supp. 21-5706, and amendments thereto, the court shall require the defendant who meets the requirements established in K.S.A. 2020 Supp. 21-6824, and amendments thereto, to participate in a certified drug abuse treatment program, as provided in K.S.A. 75-52,144, and amendments thereto, including, but not limited to, an approved after-care plan. The amount of time spent participating in such program shall not be credited as service on the underlying prison sentence.

(2) If the defendant fails to participate in or has a pattern of intentional conduct that demonstrates the defendant's refusal to comply with or participate in the treatment program, as established by judicial finding, the defendant shall be subject to sanction or revocation pursuant to the provisions of K.S.A. 22-3716, and amendments thereto. If

the defendant's probation is revoked, the defendant shall serve the underlying prison sentence as established in K.S.A. 2020 Supp. 21-6805, and amendments thereto.

(A) Except as provided in subsection (n)(2)(B), for those offenders who are convicted on or after July 1, 2003, but prior to July 1, 2013, upon completion of the underlying prison sentence, the offender shall not be subject to a period of postrelease supervision.

(B) Offenders whose crime of conviction was committed on or after July 1, 2013, and whose probation is revoked pursuant to K.S.A. 22-3716(c), and amendments thereto, or whose underlying prison term expires while serving a sanction pursuant to K.S.A. 22-3716(c)(1), and amendments thereto, shall serve a period of postrelease supervision upon the completion of the underlying prison term.

(o) (1) Except as provided in paragraph (3), in addition to any other penalty or disposition imposed by law, upon a conviction for unlawful possession of a controlled substance or controlled substance analog in violation of K.S.A. 2020 Supp. 21-5706, and amendments thereto, in which the trier of fact makes a finding that the unlawful possession occurred while transporting the controlled substance or controlled substance analog in any vehicle upon a highway or street, the offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state shall be suspended for one year.

(2) Upon suspension of a license pursuant to this subsection, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person's privilege to operate a motor vehicle is in effect.

(3) (A) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any person as provided in paragraph (1), the judge of the court in which such person was convicted may enter an order that places conditions on such person's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one year.

(B) Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license, which shall indicate on its face that conditions have been imposed on such person's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator of such person's state of residence. Such judge shall furnish to any person whose driver's license has had conditions imposed on it under this paragraph a

copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this paragraph.

(C) Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this paragraph, such person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

(4) As used in this subsection, "highway" and "street" mean the same as in K.S.A. 8-1424 and 8-1473, and amendments thereto.

(p) In addition to any of the above, for any criminal offense that includes the domestic violence designation pursuant to K.S.A. 2020 Supp. 22-4616, and amendments thereto, the court shall require the defendant to: (1) Undergo a domestic violence offender assessment conducted by a certified batterer intervention program; and (2) follow all recommendations made by such program, unless otherwise ordered by the court or the department of corrections. The court may order a domestic violence offender assessment and any other evaluation prior to sentencing if the assessment or evaluation would assist the court in determining an appropriate sentence. The entity completing the assessment or evaluation shall provide the assessment or evaluation and recommendations to the court and the court shall provide the domestic violence offender assessment to any entity responsible for supervising such defendant. A defendant ordered to undergo a domestic violence offender assessment shall be required to pay for the assessment and, unless otherwise ordered by the court or the department of corrections, for completion of all recommendations.

(q) In imposing a fine, the court may authorize the payment thereof in installments. In lieu of payment of any fine imposed, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed by the later of one year after the fine is imposed or one year after release from imprisonment or jail, or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance shall become due on that date. If conditional reduction of any fine is rescinded by the court for any reason, then pursuant to the court's order the person may be ordered to perform community service by one year after the date of such rescission or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date. All credits for community service shall be subject to review and approval by the court.

(r) In addition to any other penalty or disposition imposed by law, for any defendant sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or

K.S.A. 2020 Supp. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, the court shall order that the defendant be electronically monitored upon release from imprisonment for the duration of the defendant's natural life and that the defendant shall reimburse the state for all or part of the cost of such monitoring as determined by the prisoner review board.

(s) Whenever the court has released the defendant on probation pursuant to subsection (a)(3), the defendant's supervising court services officer, with the concurrence of the chief court services officer, may impose the violation sanctions as provided in K.S.A. 22-3716(c)(1)(B), and amendments thereto, without further order of the court, unless the defendant, after being apprised of the right to a revocation hearing before the court pursuant to K.S.A. 22-3716(b), and amendments thereto, refuses to waive such right.

(t) Whenever the court has assigned the defendant to a community correctional services program pursuant to subsection (a)(4), the defendant's community corrections officer, with the concurrence of the community corrections director, may impose the violation sanctions as provided in K.S.A. 22-3716(c)(1)(B), and amendments thereto, without further order of the court unless the defendant, after being apprised of the right to a revocation hearing before the court pursuant to K.S.A. 22-3716(b), and amendments thereto, refuses to waive such right.

(u) In addition to any of the above, the court shall authorize an additional 18 days of confinement in a county jail to be reserved for sanctions as set forth in K.S.A. 22-3716(b)(3)(B), (b)(4) or (c)(1)(B), and amendments thereto.

(v) The amendments made to this section by ~~this act~~ section 1 of chapter 9 of the 2020 Session Laws of Kansas are procedural in nature and shall be construed and applied retroactively.

Sec. 11. K.S.A. 2020 Supp. 21-6804 is hereby amended to read as follows: 21-6804. (a) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. The following sentencing guidelines grid shall be applicable to nondrug felony crimes:

SENTENCING RANGE - NONDRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level	3+ Felonies	2 Felonies	1 Person & 1 Felony	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanors	1 Misdemeanor No Record
I	653 620 592 564 534	618 586 554	585 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	603 467 442	469 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 223	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 35 33	34 32 30
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	24 22 20	21 19 18
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	10 9 8	9 8 7	8 7 6	7 6 5	6 5 4	5 4 3	4 3 2

LEGEND
Presumptive Probation
Presumptive Imprisonment

(b) Sentences expressed in the sentencing guidelines grid for nondrug crimes represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to the sentencing court's discretion to enter a departure sentence. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:

(A) Prison sentence;

(B) maximum potential reduction to such sentence as a result of good time; and

(C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the:

(A) Prison sentence; and

(B) duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence as provided in subsection (q).

(g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or a violation of K.S.A. 2020 Supp. 21-5412(d), and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(i) (1) The sentence for the violation of the felony provision of ~~K.S.A. 8-2,144 and 8-1567~~ and K.S.A. 2020 Supp. 21-5414(b)(3), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 2020 Supp. 21-6807, and amendments thereto.

(2) If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and

K.S.A. 2020 Supp. 21-6807, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 2020 Supp. 21-5823, and amendments thereto.

(3) Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of ~~K.S.A. 8-2-144, and 8-1567 and~~ K.S.A. 2020 Supp. 21-5414(b)(3), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections, ~~except that the term of imprisonment for felony violations of K.S.A. 8-2-144 or 8-1567, and amendments thereto, may be served in a state correctional facility designated by the secretary of corrections if the secretary determines that substance abuse treatment resources and facility capacity is available. The secretary's determination regarding the availability of treatment resources and facility capacity shall not be subject to review.~~ Prior to imposing any sentence pursuant to this subsection, the court may consider assigning the defendant to a house arrest program pursuant to K.S.A. 2020 Supp. 21-6609, and amendments thereto.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who:

(A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto; and

(ii) at the time of the conviction under subsection (j)(2)(A)(i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto, in this state or comparable felony under the laws of another state, the federal government or a foreign government; or

(B) (i) has been convicted of rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2020 Supp. 21-5503, and amendments thereto; and

(ii) at the time of the conviction under subsection (j)(2)(B)(i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in subsection (j)(2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) (1) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(2) As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities:

(A) The commission of one or more person felonies; or

(B) the commission of felony violations of article 57 of chapter 21 of the Kansas

Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009; and

(C) its members have a common name or common identifying sign or symbol; and

(D) its members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or any substantially similar offense from another jurisdiction.

(l) Except as provided in subsection (o), the sentence for a violation of K.S.A. 2020 Supp. 21-5807(a)(1), and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2020 Supp. 21-5301 and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-3715(a) or (b), prior to its repeal, 21-3716, prior to its repeal, K.S.A. 2020 Supp. 21-5807(a)(1) or (a)(2) or 21-5807(b), and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment.

(m) The sentence for a violation of K.S.A. 22-4903 or K.S.A. 2020 Supp. 21-5913(a)(2), and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence as provided in subsection (q).

(n) The sentence for a violation of criminal deprivation of property, as defined in K.S.A. 2020 Supp. 21-5803, and amendments thereto, when such property is a motor vehicle, and when such person being sentenced has any combination of two or more prior convictions for a violation of K.S.A. 21-3705(b), prior to its repeal, or of criminal deprivation of property, as defined in K.S.A. 2020 Supp. 21-5803, and amendments thereto, when such property is a motor vehicle, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(o) The sentence for a felony violation of theft of property as defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, or burglary as defined in K.S.A. 2020 Supp. 21-5807(a), and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, or burglary as defined in K.S.A. 2020 Supp. 21-5807(a), and amendments thereto; or the sentence for a felony violation of theft of property as defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2020 Supp. 21-5807, and amendments thereto; or the sentence for a felony violation of burglary as defined in K.S.A. 2020 Supp. 21-5807(a), and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2020 Supp. 21-5807, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant

to participate in a drug treatment program, including, but not limited to, an approved ~~after-care~~ aftercare plan, if the court makes the following findings on the record:

- (1) Substance abuse was an underlying factor in the commission of the crime;
- (2) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
- (3) participation in an intensive substance abuse treatment program will serve community safety interests.

A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of K.S.A. 2020 Supp. 21-6824(f)(1), and amendments thereto, shall apply to a defendant sentenced under this subsection. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(p) The sentence for a felony violation of theft of property as defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2020 Supp. 21-5807, and amendments thereto; or the sentence for a violation of burglary as defined in K.S.A. 2020 Supp. 21-5807(a), and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2020 Supp. 21-5807, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:

- (1) Substance abuse was an underlying factor in the commission of the crime;
- (2) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
- (3) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.

The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(q) As used in this section, an "optional nonprison sentence" is a sentence which the court may impose, in lieu of the presumptive sentence, upon making the following findings on the record:

- (1) An appropriate treatment program exists which is likely to be more effective

than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(r) The sentence for a violation of K.S.A. 2020 Supp. 21-5413(c)(2), and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(s) The sentence for a violation of K.S.A. 2020 Supp. 21-5512, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(t) (1) If the trier of fact makes a finding beyond a reasonable doubt that an offender wore or used ballistic resistant material in the commission of, or attempt to commit, or flight from any felony, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 30 months' imprisonment.

(2) The sentence imposed pursuant to subsection (t)(1) shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(3) As used in this subsection, "ballistic resistant material" means: (A) Any commercially produced material designed with the purpose of providing ballistic and trauma protection, including, but not limited to, bulletproof vests and kevlar vests; and (B) any homemade or fabricated substance or item designed with the purpose of providing ballistic and trauma protection.

(u) The sentence for a violation of K.S.A. 2020 Supp. 21-6107, and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2020 Supp. 21-5301 and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-4018, prior to its repeal, or K.S.A. 2020 Supp. 21-6107, and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(v) The sentence for a third or subsequent violation of K.S.A. 8-1568, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(w) The sentence for aggravated criminal damage to property as defined in K.S.A. 2020 Supp. 21-5813(b), and amendments thereto, when such person being sentenced has a prior conviction for any nonperson felony shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(x) The sentence for a violation of K.S.A. 2020 Supp. 21-5807(a)(1), and amendments thereto, shall be presumptive imprisonment if the offense under such paragraph is classified in grid blocks 7-C, 7-D or 7-E. Such sentence shall not be considered a departure and shall not be subject to appeal.

(y) (1) Except as provided in subsection (y)(3), if the trier of fact makes a finding beyond a reasonable doubt that an offender committed a nondrug felony offense, or any attempt or conspiracy, as defined in K.S.A. 2020 Supp. 21-5301 and 21-5302, and amendments thereto, to commit a nondrug felony offense, against a law enforcement officer, as defined in K.S.A. 2020 Supp. 21-5111(p)(1) and (3), and amendments thereto, while such officer was engaged in the performance of such officer's duty, or in whole or in any part because of such officer's status as a law enforcement officer, the sentence for such offense shall be:

(A) If such offense is classified in severity level 2 through 10, one severity level above the appropriate level for such offense; and

(B) (i) if such offense is classified in severity level 1, except as otherwise provided in subsection (y)(1)(B)(ii), imprisonment for life, and such offender shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, such offender shall not be eligible for parole prior to serving 25 years' imprisonment, and such 25 years' imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(ii) The provisions of subsection (y)(1)(B)(i) requiring the court to impose a mandatory minimum term of imprisonment of 25 years shall not apply if the court finds the offender, because of the offender's criminal history classification, is subject to presumptive imprisonment and the sentencing range exceeds 300 months. In such case, the offender is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(2) The sentence imposed pursuant to subsection (y)(1) shall not be considered a departure and shall not be subject to appeal.

(3) The provisions of this subsection shall not apply to an offense described in subsection (y)(1) if the factual aspect concerning a law enforcement officer is a statutory element of such offense.";

On page 37, in line 25, after "12-4415" by inserting ", 21-6604, 21-6804"; and by renumbering sections accordingly;

On page 1, in the title, in line 24, after "12-4415" by inserting ", 21-6604, 21-6804"; and the bill be passed as amended.

Committee on **Judiciary** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Attorney General:

*Member, Crime Victims Compensation Board: K.S.A. 74-7303*

Becky Dickinson, to serve a term ending on March 15, 2025

Committee on **Public Health and Welfare** recommends **HB 2062** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2062," as follows:

"Senate Substitute for HOUSE BILL No. 2062

By Committee on Public Health and Welfare

"AN ACT concerning counties; relating to county homes for the aged and county hospitals; restricting boards of county commissioners, trustees and employees from infringing upon residents' and patients' rights to receive and refuse visitors in county homes for the aged and county hospitals; permitting residents and patients to waive restrictions imposed to control transmission or prevention of an infectious disease;

restricting counties from exempting from prohibitions on imposing restrictions on visitors in homes for the aged and county hospitals; amending K.S.A. 12-4909 and 19-2110 and K.S.A. 2020 Supp. 19-101a and 19-4610 and repealing the existing sections.";

And the substitute bill be passed.

Also, **HB 2262** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2262," as follows:

"Senate Substitute for HOUSE BILL No. 2262

By Committee on Public Health and Welfare

"AN ACT concerning the uniform controlled substances act; relating to substances included in schedules I, II, IV and V; amending K.S.A. 65-4107, 65-4111 and 65-4113 and K.S.A. 2020 Supp. 65-4105 and repealing the existing sections."; and the substitute bill be passed.

**HB 2280**, as amended by House Committee, be amended on page 1, following line 11, by inserting:

"New Section 1. (a) A patient desiring to be prescribed a federal food and drug agency approved drug for an off-label use of such prescription drug may sign, or have a legal representative sign, a liability waiver. The waiver shall relieve the physician from liability for any claims arising out of the act of prescribing such drugs for off-label use.

(b) As used in this section, "off-label use" means utilizing a prescription drug for treatment in a manner other than the manner approved by the federal food and drug administration stated on the labeling.

(c) The provisions of this section shall not apply to controlled substances, as defined in K.S.A. 65-5701, and amendments thereto.

(d) Nothing in this section shall relieve a physician of the duty to receive consent from a patient or the patient's legal representative before assisting in the care or treatment of such patient.";

On page 2, in line 16, by striking all after "(b)"; by striking all in lines 17 through 27; in line 28, by striking "(c)";

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

On page 8, in line 30, by striking all after the period; by striking all in lines 31 and 32;

On page 12, in line 7, by striking "39-3002" and inserting "39-2002";

On page 19, in line 29, by striking the second comma and inserting "or"; also in line 29, by striking "or"; in line 30, by striking "publicly or privately censure";

On page 22, in line 14, by striking the second comma and inserting "or"; also in line 14, by striking "or"; in line 15, by striking all before "the";

On page 23, in line 25, by striking the fifth comma and inserting "or"; in line 26, by striking ", publicly or privately censured";

On page 24, in line 34, by striking all after "(g)"; by striking all in lines in lines 35 through 43;

On page 25, by striking all in lines 1 through 8; in line 9, by striking "(h)"; in line 31, by striking all after the period; by striking all in lines 32 through 34;

On page 26, in line 9, by striking all after "examination"; by striking all in lines 10 through 12; in line 13, by striking all before "Such" and inserting "The board shall only accept a passing score on an examination required for licensure from an applicant's first five attempts taking such examination"; in line 28, by striking all before "any";

On page 35, by striking all in lines 5 through 43;  
 By striking all on page 36;  
 On page 37, by striking all in lines 1 through 27;  
 On page 41, in line 31 by striking the fourth comma and inserting "or"; in line 32 by striking "or publicly or private censure";  
 On page 43, by striking all in lines 7 through 43;  
 By striking all on pages 44 and 45;  
 On page 46, by striking all in lines 1 through 34; in line 35, by striking all after "65-1643,"; in line 36, by striking "1645,"; also in line 36, by striking the third comma and inserting "and"; also in line 36, by striking ", 65-1663 and 65-1676";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "prescribers and prescribing; relating to the physician-patient relationship; allowing patients to sign a liability waiver to be prescribed off-label use drugs; relating to"; in line 7, by striking "65-1645,"; also in line 7, by striking the seventh comma and inserting "and"; in line 8, by striking ", 65-1663 and 65-1676"; and the bill be passed as amended.

Committee on **Public Health and Welfare** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

*Public Member, University of Kansas Hospital Authority:* K.S.A. 76-3304

Mark Uhlig, to serve a term ending on March 15, 2024.

By the Attorney General:

*Medicaid Inspector General:* K.S.A. 75-7427

Steven D. Anderson, to serve a term ending on January 15, 2025

Committee on **Transportation** recommends **HB 2245** be amended on page 1, in line 16, after "(b)" by inserting "(1)"; in line 17, by striking all after "confidential"; in line 18, by striking all before "request" and inserting "and shall not be subject to the provisions of the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this subsection shall expire on July 1, 2026, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2026.

(2) Upon";

Also on page 1, also in line 18, after "request," by inserting "such record"; in line 19, by striking "(1)" and inserting "(A)", in line 21, by striking "(2)" and inserting "(B)";

On page 2, in line 10, after the second "by" by inserting "either:

(A)";

Also on page 2, in line 11, after "website" by inserting "; or

(B) delivering or mailing a paper form to the division"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 264** be amended on page 2, in line 12, by striking "to the credit of" and inserting ". The state treasurer shall credit 75% of each such deposit to"; also in line 12, after "fund" by inserting "and 25% of each such deposit to the municipalities fight addiction fund"; in line 15, after the period by inserting "Except as provided in subsection (c),"; in line 23, by striking "All"; by striking all in lines 24 through 27; following line 27, by inserting:

"(c) On July 1 of each year, or as soon thereafter as moneys are available, the

director of accounts and reports shall transfer \$200,000 from the Kansas fights addiction fund to the prescription monitoring program fund established by section 8, and amendments thereto. For any fiscal year, if there are insufficient unencumbered moneys in the Kansas fights addiction fund to make such transfer, no transfer shall be made under this subsection for such fiscal year.

(d) (1) There is hereby established in the state treasury the municipalities fight addiction fund, and such fund shall be administered by the attorney general to disburse funds to municipalities. Moneys in the municipalities fight addiction fund shall be expended subject to an agreement between the attorney general, the Kansas association of counties and the league of Kansas municipalities for projects and activities that prevent, reduce, treat or mitigate the effects of substance abuse and addiction or to reimburse the municipality for previous expenses related to substance abuse mitigation or arising from covered conduct. Moneys may also be used to reimburse municipalities for the payment of litigation costs, expenses or attorney fees related to opioid litigation, except that a municipality shall first seek payment from applicable outside settlement sources or settlement fee funds prior to seeking payment from the municipalities fight addiction fund.

(2) An agreement between the attorney general, the Kansas association of counties and the league of Kansas municipalities shall determine the method for disbursing moneys from the fund, and such moneys shall be disbursed to municipalities that have not filed opioid litigation and municipalities that have filed opioid litigation and have entered into an agreement with the attorney general prior to January 1, 2022, that releases the municipality's legal claims arising from covered conduct to the attorney general and assigns any future legal claims arising from covered conduct to the attorney general.

(e) All expenditures from the Kansas fights addiction fund and the municipalities fight addiction fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports pursuant to vouchers approved by the attorney general or the attorney general's designee.;

Also on page 2, in line 35, by striking "Two members" and inserting "One member"; also in line 35, by striking all after "general"; in line 36, by striking all before "be" and inserting "to"; also in line 36, by striking all after "board"; in line 37, by striking all before the semicolon;

On page 3, in line 5, by striking "and"; in line 7, by striking all after the first "Kansas"; in line 8, by striking all before the period and inserting "; and

(11) one member appointed by the behavioral sciences regulatory board";

On page 4, following line 16, by inserting:

"(3) The attorney general may take any action necessary to ensure the greatest possible recovery from opioid litigation and to seek funds for the Kansas fights addiction fund and the municipalities fight addiction fund.;"

Also on page 4, in line 27, by striking all before the period and inserting "deposited in the Kansas fights addiction fund"; in line 29, by striking "maintain" and inserting "become a party to"; in line 31, after "filed" by inserting "or became a party to"; in line 35, after "any" by inserting "municipality that filed or became a party to opioid"; also in line 35, by striking "filed";

On page 5, following line 7, by inserting:

"Sec. 8. (a) There is hereby established in the state treasury the prescription

monitoring program fund. Such fund shall be administered by the president of the state board of pharmacy or the president's designee. All expenditures from the prescription monitoring program fund shall be for the purpose of operating the prescription monitoring program that is established in accordance with the prescription monitoring program act. All expenditures from the prescription monitoring program fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the state board of pharmacy or the president's designee.

(b) This section shall be a part of and supplemental to the prescription monitoring program act.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the attorney general" and inserting "substance abuse; relating to the mitigation thereof"; in line 2, after the semicolon by inserting "prescribing powers, duties and functions of the attorney general related thereto"; in line 3, after the semicolon by inserting "transferring a portion of such moneys annually for the operation of the prescription monitoring program"; in line 5, after "fund" by inserting ", municipalities fight addiction fund and prescription monitoring program fund"; and the bill be passed as amended.

Also, **HB 2401**, as amended by House Committee, be amended on page 3, following line 14, by inserting:

"(f) The secretary shall submit to the house of representatives committee on corrections and juvenile justice and the senate committee on judiciary at the beginning of the regular session of the legislature in 2022 and annually thereafter a report of the following: Status of any public-private project entered into; funds raised for the education, skills-building and spiritual needs programs and services; buildings renovated or constructed for such programs or services; names of all education and skills-building program and service providers; brief description of the programs and services offered; number of inmates enrolled in an education or skills-building program or service; and graduation or completion outcomes of each education or skills-building program or service."; and the bill be passed as amended.

On motion of Senator Alley, the Senate recessed until the sound of the gavel.

## MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2178**.

## REPORT ON ENROLLED BILLS

**SB 24, SB 37, SB 52, SB 77, H Sub SB 99** reported correctly enrolled, properly signed and presented to the Governor on March 30, 2021.

On motion of Senator Francisco, the Senate adjourned until 9:30 a.m., Wednesday, March 31, 2021.

# Journal of the Senate

FIFTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 31, 2021, 9:30 a.m.

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

Silent Prayers That Are Heard!  
Psalm 94:11, Matthew 6:6, Psalm 94:9

Lord of Heaven, I am grateful that the wisdom of the ages has set this time aside for prayer. For in prayer, we want to cry out to You. And in prayer, we want to hear from You. So, as we come to You in prayer, although I may be coming to You in an open audible way, there are souls coming to You today silently, privately. And Lord, I want to thank You that, either way, You're tuned right in.

Your Word confirms this for us. Psalm 94:11 reminds us that You know our very thoughts. Matthew 6:6 speaks of secret prayer that You openly reward! And Psalm 94:9 clarifies that, since You made the ear, surely You can hear! Yet, we're reminded that You don't allow our prayers to function like bringing the Genie out of the bottle. In Psalm 66:18, You warn us that we must come to You regretting our sin and repenting, turning our hearts away from ungodliness.

So, Lord, as we take on the challenges that we face, like a tire that needs alignment, by Your Holy Spirit bring us into alignment with You. And without question, we can know that You hear our prayers.

I thank You today, that You're not like the false gods, that can't hear and need to be carried. Thank You for being our true and living, prayer answering God.

I pray in the Name of Jesus, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2316**.

Federal and State Affairs: **HB 2408, HB 2417**.

Financial Institutions and Insurance: **HB 2380**.

Judiciary: **HB 2412**.

Transportation: **SB 309**.

Ways and Means: **HB 2363**.

**MESSAGES FROM THE GOVERNOR**

**SB 21, SB 77** approved on March 30, 2021.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**Sub SB 100**, AN ACT concerning driving; relating to drivers' licenses; providing an exclusion from the additional 90-day period for suspended or revoked licenses; amending K.S.A. 2020 Supp. 8-262 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The substitute bill passed.

**SB 265**, AN ACT concerning the Kansas public employees retirement system; relating to death and long-term disability benefits; providing a moratorium on employer contributions to the group insurance reserve fund; amending K.S.A. 74-4927 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Tyson.

The bill passed.

**SB 304**, AN ACT concerning the COVID-19 contact tracing privacy act; removing the sunset provision; amending K.S.A. 2020 Supp. 48-961 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, McGinn, Pettey, Pittman, Sykes, Ware.

The bill passed.

**HB 2064**, AN ACT concerning retirement and pensions; relating to the Kansas deferred retirement option program act; election; extension of initial DROP period; amending K.S.A. 74-4986n and K.S.A. 2020 Supp. 74-4986l and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**HB 2077**, AN ACT concerning crime-related task forces and commissions; relating to the Kansas closed case task force; extending the task force and providing for staff assistance; renaming the task force the Alvin Sykes cold case DNA task force; relating to the Kansas criminal justice reform commission; extending the commission and limiting the scope of study; amending K.S.A. 2020 Supp. 21-6901 and 21-6902 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Tyson.

The bill passed, as amended.

**HB 2079**, AN ACT concerning state officers; relating to certain powers, duties and functions of the secretary of state and the attorney general; charitable organizations; increasing the fees for certain charitable organizations; creating the charitable organizations fee fund; relating to the address confidentiality program; transferring duties to the attorney general; amending K.S.A. 17-1759, 17-1763, 17-1764, 17-1765, 17-1766, 17-1769, 17-1771, 17-1772, 46-236, 75-451, 75-452, 75-453, 75-454, 75-455, 75-456, 75-457 and 75-458 and K.S.A. 2020 Supp. 17-1762 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Hilderbrand, Pyle, Tyson.

The bill passed, as amended.

**HB 2085**, AN ACT concerning postsecondary education; creating the students' right to know act; relating to the publication of certain information regarding postsecondary education, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes,

Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

**HB 2101**, AN ACT concerning the university engineering initiative act; relating to goals; authorizing transfers from the expanded lottery act revenues fund for certain fiscal years; requiring certain reports to the legislature from state educational institutions, the board of regents and the secretary of commerce; amending K.S.A. 74-8768, 76-7,137 and 76-7,139 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 2; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, Wilborn.

Nays: Peck, Tyson.

Present and Passing: Warren.

The bill passed.

**HB 2106**, AN ACT concerning income taxation; relating to tax returns; extending the dates when corporate returns are required to be filed; providing conformity with the federal return due date for returns other than corporate returns; relating to adjusted gross income; exempting compensation income attributable as a result of identity fraud; providing a subtraction modification for amounts received from retirement plans; relating to withholding tax; providing a temporary option for teleworking employees; amending K.S.A. 79-3221 and 79-32,117 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 24; Nays 15; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Bowers, Claeys, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Masterson, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Dietrich, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Longbine, McGinn, O'Shea, Pettey, Pittman, Sykes, Ware.

Present and Passing: Billinger.

The bill passed, as amended.

**HB 2114**, AN ACT concerning the legislature; establishing the Kansas senior care task force; prescribing topics of study; membership; meeting requirements; records; report, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Steffen, Tyson.

The bill passed, as amended.

**HB 2121**, AN ACT concerning crimes, punishment and criminal procedure; increasing criminal penalty for mistreatment of a dependent adult or elder person when the victim is a resident of an adult care home; relating to defendants who abscond from supervision; definitions; surrender of obligor by surety; release of surety; requiring delivery to county where the complaint subject to the bond was filed; adding a definition of custodial officer of the court; amending K.S.A. 22-2809 and 75-5217 and K.S.A. 2020 Supp. 21-5417 and 22-2202 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**HB 2136**, AN ACT concerning insurance; relating to the regulation of the business thereof; updating certain definitions relating to service contracts and surplus lines insurance; interest rate calculations relating to nonforfeiture law for individual deferred annuities; application requirements for certification of utilization review organizations; requirements for out-of-state risk retention groups to do business in state; applications for registration of professional employer organizations; repealing the automobile club services act; amending K.S.A. 40-22a04, 40-22a06 and 40-4103 and K.S.A. 2020 Supp. 40-201a, 40-246i, 40-4,104, 40-22a05 and 44-1704 and repealing the existing sections; also repealing K.S.A. 40-2405, 40-2501, 40-2502, 40-2503, 40-2504, 40-2505, 40-2506, 40-2507, 40-2508, 40-2509, 40-2510, 40-2511, 40-2512 and 40-2513, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Peck, Tyson.

The bill passed, as amended.

**HB 2158**, AN ACT concerning open government; relating to the state child death review board; relating to the confidentiality of records; exceptions thereto; relating to the department of health and environment, division of public health; powers, duties and functions of the advisory committee on trauma and the statewide trauma system regional council; continuing in existence the authority to conduct closed session meetings and keep records privileged; amending K.S.A. 75-5664 and 75-5665 and K.S.A. 2020 Supp. 22a-243 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll,

Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**S Sub Sub HB 2196**, AN ACT concerning employment security; creating the unemployment compensation modernization and improvement council; providing for an audit to be conducted by the council; providing for development of a new unemployment insurance information technology system; claimant tax information; website publication of trust fund data; maximum benefit period; charging of employer accounts for benefits paid; employment security board of review and emergency expansion thereof; employer contribution rate determination and schedules; crediting employer accounts for fraudulent or erroneous payments; services performed by petroleum landmen; lessor employment unit employee leasing restrictions; disclosure of information; shared work compensation program; establishing the my reemployment plan providing job search and job matching assistance to claimants and employers; providing for workforce training program availability for claimants; providing for the transfer of certain federal coronavirus relief funds received by the state to the employment security fund; changing the benefit disqualification period for fraud; making and concerning appropriations for the fiscal years ending June 30, 2021, and June 30, 2022; authorizing certain transfers and imposing certain limitations; establishing a new crime of unemployment insurance fraud with an enhanced penalty; amending K.S.A. 44-758 and K.S.A. 2020 Supp. 44-703, 44-704, 44-705, 44-706, 44-709, 44-710, 44-710a, 44-710b, 44-714, 44-719 and 44-757 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The substitute bill passed, as amended.

**S Sub HB 2201**, AN ACT concerning transportation; relating to the Eisenhower legacy transportation program; decreasing the threshold amount required for alternate delivery projects; providing for the usage of federal stimulus funds for certain projects; calculating KDOT bonding and debt cap authority; amending K.S.A. 68-2320 and 68-2328 and K.S.A. 2020 Supp. 68-2314c, 68-2332 and 75-5094 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The substitute bill passed.

**S Sub HB 2208**, AN ACT concerning health and healthcare; relating to credentialing of health professions and facilities; establishing rural emergency hospitals as a rural healthcare licensure category; requirements for licensure; certification and funding of certified community behavioral health clinics; prescribing powers, duties and functions of the Kansas department for aging and disability services and the department of health and environment related thereto; authorizing the issuance of telemedicine waivers for the practice of telemedicine by out-of-state healthcare providers; relating to professions regulated by the behavioral sciences regulatory board; reducing certain licensing requirements; expanding temporary practice permits and the board's grounds for discipline; amending K.S.A. 65-425, 65-431, 65-5804a, 65-5807a, 65-5808, 65-5809, 65-6309a, 65-6311, 65-6404, 65-6405a, 65-6408, 65-6610, 65-6612, 65-6615, 74-5316a, 74-5324, 74-5363, 74-5367a and 74-5369 and K.S.A. 2020 Supp. 65-6306 and 65-6411 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Steffen, Tyson.

The substitute bill passed.

**HB 2244**, AN ACT concerning industrial hemp; relating to the effective disposal thereof by the department of agriculture in coordination with state or local law enforcement; requiring industrial hemp processors to register with the state fire marshal; providing exemptions from regulations; allowing issuance of stop sale, use or removal orders; amending K.S.A. 2020 Supp. 2-3901, 2-3903, 2-3907 and 2-3908 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 1; Absent or Not Voting 0.

Yeas: Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Erickson, Hilderbrand, Peck, Pyle.

Present and Passing: Alley.

The bill passed, as amended.

**HB 2247**, AN ACT concerning roads and highways; designating a portion of K-67 highway as the COII Trenton J Brinkman memorial highway; designating bridges on U.S. highway 54 as the Jack Taylor memorial bridge and the Max Zimmerman memorial bridge; designating a bridge on United States highway 77 as the PFC Loren H Larson memorial bridge; designating a bridge on United States highway 166 as the SGT Tyler A Juden memorial bridge; designating a portion of United States highway 69 as the Senator Dennis Wilson memorial highway; designating a portion of K-7 as the Senator Bud Burke memorial highway; designating a portion of United States highway 77 as the CPL Allen E Oatney and SP4 Gene A Myers memorial highway; amending K.S.A. 68-1022 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I ask that the Senate body pause briefly and recall the stories of those men who will now be acknowledged on our United States highways and bridges throughout Kansas. Each of them served our communities, our state and our country with distinction. I extend a special thank you for the Senator from Cloud for the kind, thoughtful manner in which she carried this important legislation on the Senate floor. We know that each of these men continue to be missed by their family members, their friends, and their community. Those recognized in **HB 2247** are worthy of our unanimous vote.—MOLLY BAUMGARDNER

Senators Francisco, Gossage, Haley, Petersen, Ryckman and Warren request the record to show they concur with the "Explanation of Vote" offered by Senator Baumgardner on **HB 2247**.

**HB 2379**, AN ACT concerning transportation; relating to peer-to-peer vehicle sharing; establishing insurance requirements; liability; recordkeeping requirements; consumer protection provisions; enacting the peer-to-peer vehicle sharing program act; amending K.S.A. 2020 Supp. 50-656 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Tyson.

The bill passed.

**HB 2390**, AN ACT concerning public records; relating to disclosure thereof under the open records act; making permanent certain exceptions to disclosure; creating exemptions in the open records act for cybersecurity assessments, plans and vulnerabilities; amending K.S.A. 75-5664 and 75-5665 and K.S.A. 2020 Supp. 9-513c, 9-2209, 12-5374, 16-335, 17-1312e, 25-2309, 40-2,118, 40-4913, 45-217, 45-221, 45-229 and 45-254 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson,

Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**HB 2391**, AN ACT concerning the secretary of state; relating to duties and responsibilities thereof; providing for biennial filing of business reports; changing business filing provisions and requirements related to business names and electronic signatures; removing certain exemptions from the open records act for certain business tax records no longer required to be filed; UCC filings with improperly included social security numbers; other filing or information requirements; filing fees; repealing certain obsolete statutes including relating to blanket music licenses; publication and distribution of session laws, the Kansas register, proposed amendments to the constitution of the state of Kansas and Kansas administrative rules and regulations; permitting use of printing and binding services from the commercial market; amending K.S.A. 17-1513, 17-1618, 17-2037, 17-2711, 17-4677, 17-5902, 17-7509, 17-7511, 45-106, 45-315, 53-601, 56-1a151, 56-1a605, 56a-101, 64-103, 75-430, 75-433, 75-436, 75-446, 75-1005, 75-3520, 77-138, 77-417, 77-430, 77-430a, 77-431 and 77-438 and K.S.A. 2020 Supp. 17-2036, 17-2718, 17-4634, 17-6014, 17-6014, as amended by section 10 of this act, 17-7002, 17-7503, 17-7504, 17-7505, 17-7506, 17-7510, 17-7512, 17-76,136, 17-76,139, 17-76,146, 17-76,147, 17-78-601, 17-7903, 17-7904, 17-7905, 17-7906, 17-7910, 17-7910, as amended by section 31 of this act, 17-7936, 45-107, 45-229, 56-1a606, 56-1a607, 56a-1001, 56a-1201 and 56a-1202 and repealing the existing sections; also repealing K.S.A. 17-7507, 57-205, 57-206, 57-207 and 75-447, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

## CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Warren moved the Senate concur in House amendments to **SB 283**.

**SB 283**, AN ACT concerning the governmental response to the COVID-19 pandemic in Kansas; extending the expanded use of telemedicine in response to the COVID-19 public health emergency; extending the authority of the board of healing arts to grant certain temporary emergency licenses; imposing requirements related thereto and expiring such provisions; extending the suspension of certain requirements related to medical care facilities and expiring such provisions; modifying the COVID-19 response and reopening for business liability protection act; extending immunity from civil liability for certain healthcare providers and for certain persons conducting business in this state for COVID-19 claims until March 31, 2022; amending K.S.A. 2020 Supp. 48-963, as amended by section 7 of 2021 Senate Bill No. 14, 48-964, 48-965, as amended by section 8 of 2021 Senate Bill No. 14, 60-5503, 60-5504, as amended by section 10 of 2021 Senate Bill No. 14, 60-5508 and 65-468 and repealing the existing sections.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not

Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Hawk, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Francisco, Haley, Holland, Holscher, Pettey, Steffen, Straub, Sykes, Ware.

The Senate concurred.

## CONSIDERATION OF APPOINTMENTS

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

Senator Alley moved the following appointments be confirmed as recommended by the Committees on **Financial Institutions and Insurance** and **Commerce**.

*By the Commissioner of Insurance*

On the appointment to the:

*Office of the State Securities Commissioner:*

Daniel Klucas, serves at the pleasure of the Insurance Commissioner

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Francisco, Peck, Sykes, Ware.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Department of Labor:*

Amber Shultz, serves at the pleasure of the Governor

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The appointment was confirmed.

## COMMITTEE OF THE WHOLE

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

**HB 2039** be amended by motion of Senator Haley: on page 2, following line 39, by inserting:

"Sec. 2. K.S.A. 72-3236 is hereby amended to read as follows: 72-3236. (a) ~~It~~

~~order~~ to equip students with the knowledge and skills needed to become self-supporting and ~~to~~ enable students to make critical decisions regarding personal finances, the state board of education shall authorize and assist in the implementation of programs on teaching personal financial literacy.

(b) The state board of education shall develop a curriculum, materials and guidelines that local boards of education and governing authorities of accredited nonpublic schools may use ~~in implementing~~ to implement the program of instruction on personal financial literacy. The state board of education shall adopt a glossary of personal financial literacy terms which shall be used by school districts when implementing the program on personal financial literacy.

(c) The state board of education shall develop state curriculum standards for personal financial literacy, ~~for all grade levels, for kindergarten and grades one through 10~~ within the existing mathematics curriculum or another appropriate subject-matter curriculum, ~~and for grades 11 and 12 in accordance with subsection (d).~~

~~(d) The state board of education shall encourage school districts when selecting textbooks for mathematics, economics, family and consumer science, accounting or other appropriate courses, to select those textbooks which contain substantive provisions on personal finance, including personal budgeting, credit, debt management and other topics concerning personal financial literacy.~~

~~(e) The state board of education shall include questions relating to personal financial literacy in the statewide assessments for mathematics or social studies required under K.S.A. 72-5170, and amendments thereto. When the statewide assessments for mathematics or social studies are reviewed or rewritten, the state board of education shall examine the questions relating to personal financial literacy and rewrite such questions in order to determine if programs on personal financial literacy are equipping students with the knowledge and skills needed to become self-supporting and enabling students to make critical decisions regarding personal finances. A course of instruction concerning personal financial literacy shall be at least one semester or two quarters or the equivalent thereof, and shall include, but not be limited to, the following topics:~~

~~(1) Saving and investing, including, but not limited to, understanding investments, wealth building and college savings;~~

~~(2) credit and debt, including, but not limited to, topics concerning the dangers of excessive debt, consumer awareness, credit bureaus, payday and car title loans and collection practices;~~

~~(3) financial responsibility and money management, including, but not limited to, topics concerning budgeting and negotiating techniques; and~~

~~(4) insurance, risk management and income, including, but not limited to, topics concerning insurance coverage, taxes, real estate rent or purchase options, mortgages and automobile and personal loans.;~~

Also on page 2, in line 40, by striking "is" and inserting "and 72-3236 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "civics" and inserting "courses of"; in line 2, by striking all before "a"; also in line 2, after "examination" by inserting "and a personal financial literacy course"; in line 3, after "72-3217" by inserting "and 72-3236"; also in line 3, by striking "section" and inserting "sections"

And **HB 2039** be passed as amended.

An amendment on **HB 2039** was offered by Senator Sykes. A ruling of the chair was

requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

The Committee rose and reported progress (See Committee of the Whole afternoon session.)

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

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## COMMITTEE OF THE WHOLE

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

On motion of Senator McGinn the report for the morning and the following afternoon session was adopted.

**SB 199; HB 2021, HB 2143, HB 2245** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**HB 2332** be amended by the adoption of the committee amendments, be further amended by motion of Senator Alley: on page 6, in line 2, after "advance" by inserting "voting"; in line 4, by striking "advance ballot" and inserting "application"; in line 5, after "application" by inserting "to the voter"; also in line 5, by striking "advanced ballot"

**HB 2332** be further amended by motion of Senator Francisco: on page 2, in line 4, by striking "cannot be used as a residence" and inserting "does not correspond to a physical location that can be occupied", and **HB 2332** be passed as further amended.

A motion by Senator Corson to amend **HB 2332** failed and the following amendment was rejected: on page 6, following line 33, by inserting:

"Sec. 4. K.S.A. 25-2306 is hereby amended to read as follows: 25-2306. ~~The application for registration shall include a statement by the applicant that he will have reached the age of eighteen (18) years before the next statewide general election (a)~~ Any person 16 years of age or older may apply to register to vote. If the applicant is under 18 years of age, the secretary of state shall suspend such applicant's registration until such time as the person reaches 18 years of age.

(b) No person may vote at any election until he such person has reached the age of eighteen (18) 18 years of age.";

On page 7, in line 3, before "K.S.A" by inserting "K.S.A. 25-2306 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after the semicolon by inserting "authorizing voter registration for individuals 16 years of age or older;"; in line 11, after "amending" by inserting "K.S.A. 25-2306 and"

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

On roll call, the vote was: Yeas 11; Nays 28; Present and Passing 0; Absent or Not Voting 1.

Yeas: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Nays: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Absent or Not Voting: Erickson.

A motion by Senator Francisco to amend **HB 2332** was withdrawn.

Committee report on **HB 2183** recommending **S Sub HB 2183** be adopted, be amended by motion of Senator Tyson: on page 2, following line 25, by inserting:

"New Sec. 3. (a) False representation of an election official is engaging in any of the following conduct by phone, mail, email, website or other online activity or by any other means of communication while not holding a position as an election official:

- (1) Representing oneself as an election official;
- (2) engaging in conduct that gives the appearance of being an election official; or
- (3) engaging in conduct that would cause another person to believe a person engaging in such conduct is an election official.

(b) False representation of an election official is a severity level 7, nonperson felony.

(c) As used in this section, "election official" means the secretary of state, or any employee thereof, any county election commissioner or county clerk, or any employee thereof, or any other person employed by any county election office.";

And by renumbering sections accordingly;

On page 1, in the title, in line 10, after the semicolon by inserting "creating the crime of false representation of an election official;"

A ruling of the chair was requested as to the germaneness of the Tyson amendment.

The chair ruled the amendment was germane to the bill.

**S Sub HB 2183** be further amended by motion of Senator Tyson: on page 2, following line 25, by inserting:

"New Sec. 3. (a) Each month, the secretary of state shall publish the following information on the official website of the secretary of state:

- (1) The total number of registered voters in each county of this state;
- (2) the total number of registered voters in each county who have been identified by the county election office as having mail that is undeliverable and the number of such registered voters as a percentage of all registered voters in the county; and
- (3) the total number of registered voters for each political party.

(b) On the 20<sup>th</sup> day prior to any election, the secretary of state shall publish the total number of registered voters in each voting precinct and include in such publication the total number of such registered voters who affiliated with each political party on the official website of the secretary of state.";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the first semicolon by inserting "directing the secretary of state to publish certain registered voter totals;" and **S Sub HB 2183** be passed as amended.

A motion by Senator Ware to amend **HB 2183** failed and the following amendment was rejected: on page 2, in line 10, by striking the colon; in line 11, by striking "(A)"; also in line 11, by striking all after "voter"; by striking all in line 12; in line 13, by striking all before the semicolon; in line 23, by striking all after "(c)"; by striking all in line 24; in line 25, by striking "(d)".

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

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

Yeas: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Nays: Alley, Baumgardner, Claeys, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Present and Passing: McGinn.

Absent or Not Voting: Billinger, Bowers, Dietrich.

A motion by Senator Corson to amend **HB 2183** failed and the following amendment was rejected: on page 2, following line 25, by inserting:

"Sec. 3. K.S.A. 2020 Supp. 25-1123 is hereby amended to read as follows: 25-1123. (a) When an application for an advance voting ballot has been filed in accordance with K.S.A. 25-1122, and amendments thereto, the county election officer shall transmit to the voter applying therefor one each of the appropriate ballots. Unless an advance voting ballot is transmitted in person pursuant to this subsection, the county election officer shall transmit the advance voting ballots to the voter at one of the following addresses as specified by the voter on such application: (1) the voter's residential address or mailing address as indicated on the registration list; (2) the voter's temporary residential address; or (3) a medical care facility as defined in K.S.A. 65-425, and amendments thereto, psychiatric hospital, hospice or adult care home where the voter resides. No advance voting ballot shall be transmitted by the county election officer by any means prior to the ~~20<sup>th</sup>~~ 30<sup>th</sup> day before the election for which an application for an advance voting ballot has been received by such county election officer. If the advance voting ballot is transmitted by mail, such ballot shall be transmitted with printed instructions prescribed by the secretary of state and a ballot envelope bearing upon the outside a printed form as described in K.S.A. 25-1120, and amendments thereto, and the same number as the number of the ballot. If the advance voting ballot is transmitted to the applicant in person in the office of the county election officer or at a satellite advance voting site, such advance voting ballot and printed instructions shall be transmitted in an advance voting ballot envelope bearing upon the outside a printed form as described in K.S.A. 25-1120, and amendments thereto, and the same number as the number of the ballot unless the voter elects to deposit the advance voting ballot into a locked ballot box without an envelope. All ballots shall be transmitted to the advance voting voter not more than ~~20~~ 30 days before the election but within two business days of the receipt of such voter's application by the election officer or the commencement of such ~~20-day~~ 30-day period. In primary elections required to be conducted on a partisan basis, the election officer shall deliver to such voter the ballot of the political party of the applicant.

(b) The restrictions in subsection (a) relating to where a county election officer may transmit an advance voting ballot shall not apply to an advance voting ballot requested pursuant to an application for an advance voting ballot filed by a voter who has a temporary illness or disability or who is not proficient in reading the English language.

(c) The county election officer shall compare the driver's license number, nondriver's identification card number or copy of other valid identification provided by a voter to the voter registration list verified by the division of vehicles in accordance

with federal law. If no identification information was provided by the voter or if such information does not match the information on the voter registration list, the county election officer shall transmit a provisional advance voting ballot.";

On page 6, in line 35, after "Supp." by inserting "25-1123,";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after the second semicolon by inserting "increasing the time period for transmitting such ballots to registered voters;"; in line 11, after "Supp." by inserting "25-1123,"

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

On roll call, the vote was: Yeas 11; Nays 25; Present and Passing 0; Absent or Not Voting 4.

Yeas: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Nays: Alley, Baumgardner, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren.

Absent or Not Voting: Billinger, McGinn, Peck, Wilborn.

Senator Corson motioned to further amend **S Sub HB 2183**. The motion failed.

An amendment was offered on **S Sub HB 2183** by Senator Holland. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

Committee report on **HB 2074** recommending **S Sub HB 2074** be adopted, and the substitute bill be passed.

Committee report on **HB 2153** recommending **S Sub HB 2153** be adopted, and the substitute bill be passed.

A motion by Senator Haley to amend **S Sub HB 2153** was withdrawn.

**Sub HB 2089, HB 2090** be passed over and retain a place on the calendar.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Alley an emergency was declared by a 2/3 constitutional majority, and **SB 199; HB 2021, HB 2039; S Sub HB 2074; HB 2143; S Sub HB 2153, S Sub HB 2183; HB 2245, HB 2332** were advanced to Final Action and roll call.

**SB 199**, AN ACT concerning insurance; relating to health insurance; providing for short-term, limited-duration health plans; amending K.S.A. 2020 Supp. 40-2,193 and repealing the existing section.

On roll call, the vote was: Yeas 27; Nays 6; Present and Passing 7; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Doll, Erickson, Fagg, Francisco, Gossage, Hilderbrand, Kerschen, Kloos, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Holland, Holscher, Pittman, Sykes, Ware.

Present and Passing: Dietrich, Faust-Goudeau, Haley, Hawk, Longbine, McGinn, Pettey.

The bill passed, as amended.

## EXPLANATION OF VOTE

Mr. Vice President: The health insurance plans supported by this bill are predatory and discriminatory. Our healthcare coverage system is deeply flawed; plans like these are quick fixes that are attractive on the surface, but can lead to long-term negative consequences. These plans hurt our most vulnerable in the risk pool by increasing premiums for comprehensive coverage, and they can come back to haunt individuals who elect to use them by capping benefits on coverage for things like heart attacks. They also exclude coverage for essential health benefits, such as maternity care, which is particularly egregious since this body has made it clear it is determined to make reproductive and family planning decisions on behalf of Kansas women. We do need to make our healthcare system work for more people, as a healthy Kansas is a productive Kansas. I hope that my colleagues who support this bill will support my caucus's efforts to expand that access by using the incentives in the American Recovery Plan to expand Medicaid in our state.—DINAH SYKES

**HB 2021**, AN ACT concerning the issuance of certain bonds; relating to the construction of a state veterans home; providing for the powers, duties and functions of the Kansas development finance authority, the department of administration and the state finance council.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

## EXPLANATION OF VOTE

Mr. Vice President: A bright spot today, **HB 2021** brings us one step forward towards realizing our Kansan veterans' goals of having a new veterans home in Northeast Kansas. I commend this body and the Governor for advancing this dream. It's only right to give back to those who stepped up in service and sacrifice for our country. I vote aye.

—JEFF PITTMAN

Senator Erickson request the record to show she concurs with the "Explanation of Vote" offered by Senator Pittman on **HB 2021**.

**HB 2039**, AN ACT concerning education; relating to courses of instruction; requiring a civics examination and a personal financial literacy course for high school graduation; amending K.S.A. 72-3217 and 72-3236 and repealing the existing sections.

On roll call, the vote was: Yeas 24; Nays 15; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Bowers, Claey's, Erickson, Fagg, Gossage, Haley, Hilderbrand, Kerschen, Kloos, Masterson, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Hawk, Holland, Holscher, Longbine, McGinn, O'Shea, Pettey, Pittman, Sykes, Ware.

Present and Passing: Billinger.  
The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I believe in respecting local control. I appreciate the work and conversations that have gone into strengthening the civics curriculum for our students prior to graduation. I believe we need to respect our elected officials at the local level, the same people who elect the state senate. Those who are elected at the local level make decisions for our unique school districts concerning curriculum and other needs of our students with guidance by another state elected entity, the State Board of Education. I support civics education, but I do not support government overreach. Therefore, I vote No on **HB 2039**.—CAROLYN MCGINN

Mr. Vice President: A troubling pattern has emerged in this chamber this session, with legislators concentrated on passing sweeping and restrictive laws to address problems that they have not shown actually exist in our state. Furthermore, these sweeping measures have almost always involved some form of legislative overreach or power grab over authority already given to other officials or bodies elected at the local level. **HB 2039** is just another example of both: our students have not shown to be any less civically engaged than previous generations. There is no indication that their existing curriculum does not teach them why we celebrate the 4th of July or why there are 13 stripes on our flag. And the legislature is solving this nonexistent problem by giving itself power to decide curriculum, a power that already rests with our duly elected State Board of Education. I vote NO.—PAT PETTEY

Senators Francisco, Haley and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **HB 2039**.

**S Sub HB 2074**, AN ACT concerning financial institutions; enacting the technology-enabled fiduciary financial institutions act; relating to requirements, fiduciary powers, duties, functions and limitations for such fiduciary financial institutions; pilot program; prescribing administrative powers and duties for the state banking board and the state bank commissioner; establishing the technology-enabled fiduciary financial institutions development and expansion fund; providing an income and privilege tax credit for technology-enabled fiduciary financial institutions making certain qualified charitable distributions.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The substitute bill passed.

**HB 2143**, AN ACT concerning sales taxation; relating to exemptions; extending the sunset date of the exemption of certain cash rebates on sales or leases of new motor vehicles; modifying the exemption for construction materials for certain educational institutions; relating to returns and payment of tax by retailers; increasing sales tax collection thresholds; discontinuing the prepayment of such tax; amending K.S.A. 79-

3602, 79-3606 and 79-3607 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Present and Passing: Longbine.

The bill passed, as amended.

**S Sub HB 2153**, AN ACT concerning children and minors; establishing the office of the child advocate within the office of the attorney general and prescribing certain powers, duties and functions therefor; the joint committee on child welfare system oversight; authorizing access to certain records; amending K.S.A. 2020 Supp. 38-2211, 38-2212, 38-2213, 38-2309 and 38-2310 and repealing the existing sections.

On roll call, the vote was: Yeas 31; Nays 4; Present and Passing 5; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Holland, Pittman, Sykes.

Present and Passing: Francisco, Hawk, Holscher, Pettey, Ware.

The substitute bill passed.

#### EXPLANATION OF VOTE

Mr. Vice President: I have always been for limited government and have always voted against any bills that I believe would grow government. I do not believe that passing legislation that forms legislative oversight committees is growing government, rather it is legislators doing what they were elected to do. **S Sub HB 2153** will be adding more legislative oversight over our broken foster care system, by also creating the office of the child advocate. **S Sub HB 2153** does also grow government. Before becoming involved with our foster care system in Kansas, I would have voted against **S Sub HB 2153** or any other bill that grows government. The foster care system in Kansas is broken. One of the charges we as legislators have, is to protect our most vulnerable Kansans. Because our foster kids are among our most vulnerable and we must start taking meaningful steps to fix this broken system, I vote Aye in support of **S Sub HB 2153**.—RICHARD HILDERBRAND

Senators Baumgardner and Faust-Goudeau request the record to show they concur with the "Explanation of Vote" offered by Senator Hilderbrand on **S Sub HB 2153**.

**S Sub HB 2183**, AN ACT concerning elections; creating the transparency in revenues underwriting elections act; prohibiting the receipt and expenditure of private moneys by election officials; relating to advance voting ballots; requiring signed statements for delivery of such ballots on behalf of a voter; limiting the number of such ballots that can be delivered; prohibiting the altering or backdating of the mailing date on such ballots; requiring a matching signature on such ballots; removing the secretary of state's authority to provide additional time for receipt of such ballots; prohibiting

candidates for office from engaging in certain conduct related to advance voting ballots; creating the crime of false representation of an election official; expanding the crime of electioneering; penalties for violations; amending K.S.A. 2020 Supp. 25-1124, 25-1128, 25-1132 and 25-2430 and repealing the existing sections; also repealing K.S.A. 25-608.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I completely support fair, secure, and transparent elections. I would like to go on record thanking our current Secretary of State and our county election officers and county clerks. They did a terrific job this past election cycle and this bill is no reflection on them. I would also like to thank our chair who listened and made adjustments in committee with our many election bills. My only concern is with our elderly residents in nursing homes and the disabled who I fear will be disenfranchised by the provision in this bill from **SB 292**. Our Kansas residents with disabilities have a right to request whomever they want to assist them in voting. The limit of five ballots that a caregiver or personal care attendant or CNA can help them with is too restrictive and has some pretty serious consequences. For that reason I reluctantly vote yes on this bill and ask that this issue be addressed at conference committee and continue to be worked on.—BRENDA DIETRICH

Senators Bowers and McGinn request the record to show they concur with the "Explanation of Vote" offered by Senator Dietrich on **S Sub HB 2183**.

**HB 2245**, AN ACT concerning transportation; relating to the division of vehicles; authorizing the division of vehicles to collect emergency contact information; allowing individuals to list emergency contact information on applications for drivers' licenses, instruction permits and non-driver's identification cards; permitting law enforcement agencies to use emergency contact information in emergency situations.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**HB 2332**, AN ACT concerning elections; prohibiting the governor, the executive branch and the judicial branch from modifying election laws; limiting the authority of the secretary of state to enter into certain consent decrees in court without legislative coordinating council approval; directing the secretary of state to include mailing

addresses for registered voters in electronic databases maintained by the secretary; expanding the crime of election tampering; requiring identification of the sender on third party solicitations to registered voters to file an application for an advance voting ballot; prohibiting such solicitations by persons located outside this state; penalties for violations; amending K.S.A. 2020 Supp. 25-1122 and 25-2423 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: This past year has proven to us that we cannot anticipate what trials and tribulations we will face as a state. **HB 2332** blocks the ability of the Secretary of State, the executive, or the judicial branch from altering any election regulations even in the event of a natural disaster or other emergency. Not only is this a potentially unconstitutional encroachment on our executive and judiciary's powers, but it also renders our state potentially incapable of carrying out our elections and ensuring the right to vote for Kansans. It also contains many provisions regarding the logistics of mailing applications for advance ballots that are unclear, vague, and have not been vetted thoroughly. At one point in the committee, the chair claimed some of these amendments were being passed because of a problem that "we heard it maybe happened somewhere. We don't know if it happened in Kansas." Restrictive measures like these based on hearsay are solutions in search of a problem and tell the voters of this state that we do not value their right to vote. I vote NO on **HB 2332**.—DINAH SYKES

Senators Corson, Francisco, Pettey and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **HB 2332**.

#### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2104** submits the following report:

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

On page 1, by striking all in lines 22 through 36;

On page 2, by striking all in lines 1 through 18; following line 37, by inserting:

"Sec. 2. K.S.A. 2020 Supp. 19-430 is hereby amended to read as follows: 19-430.

(a) On July 1, 1993, and on July 1 of each fourth year thereafter, the board of county commissioners or governing body of any unified government of each county shall by resolution appoint a county appraiser for such county who shall serve for a term of four years expiring on June 30 of the fourth year thereafter. No person shall be appointed or reappointed to or serve as county appraiser in any county under the provisions of this

act unless such person shall have at least three years of mass appraisal experience and be qualified by the director of property valuation as an eligible Kansas appraiser under the provisions of this act. Whenever a vacancy shall occur in the office of county appraiser the board of county commissioners or governing body of any unified government shall appoint an eligible Kansas appraiser to fill such vacancy for the unexpired term. The person holding the office of county or district appraiser or performing the duties thereof on the effective date of this act shall continue to hold such office and perform such duties until a county appraiser is appointed under the provisions of this act. No person shall be appointed to the office of county or district appraiser or to fill a vacancy therein unless such person is currently: (1) A certified general real property appraiser pursuant to article 41 of chapter 58 of the Kansas Statutes Annotated, and amendments thereto; or (2) a registered mass appraiser pursuant to rules and regulations adopted by the secretary of revenue; ~~or (3) holding a valid residential evaluation specialist or certified assessment evaluation designation from the international association of assessing officers.~~ Notwithstanding the foregoing provision, the board of county commissioners or governing body of any unified government may appoint an interim county appraiser, subject to the approval of the director of property valuation, for a period not to exceed six months to fill a vacancy in the office of county appraiser pending the appointment of an eligible county appraiser under the provisions of this act.

(b) The secretary of revenue shall adopt rules and regulations ~~prior to October 1, 1997,~~ necessary to establish qualifications for the designation of a registered mass appraiser.

(c) On and after July 1, 2022, all appraisal courses necessary to qualify for the designation of a registered mass appraiser and all continuing education appraisal courses necessary to retain such designation shall be courses approved by the Kansas real estate appraisal board pursuant to K.S.A. 58-4105, and amendments thereto.;

On page 3, in line 12, by striking "recognized"; also in line 12, after "courses" by inserting "approved by the Kansas real estate appraisal board pursuant to K.S.A. 58-4105, and amendments thereto.;"

On page 8, in line 2, after the period by inserting "Such courses shall be courses approved by the Kansas real estate appraisal board pursuant to K.S.A. 58-4105, and amendments thereto.;"

On page 22, in line 5, by striking "79-201x,;" in line 7, after "Supp." by inserting "19-430 and"; also in line 7, by striking all after "19-432"; in line 8, by striking "5142";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "to"; by striking all in lines 2 and 3; in line 12, after the semicolon by inserting "appraisal course requirements required to be approved by the real estate appraisal board,;" in line 15, after "office" by inserting ", qualifications and appraisal courses for registered mass appraiser designation"; in line 16, by striking "79-201x,;" in line 18, after "Supp." by inserting "19-430 and"; also in line 18, by striking "and 72-5142";

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

CARYN TYSON  
LARRY ALLEY  
TOM HOLLAND

*Conferees on part of Senate*

ADAM SMITH  
 LES MASON  
 JIM GARTNER

*Conferees on part of House*

Senator Tyson moved the Senate adopt the Conference Committee Report on **S Sub SB 2104**.

On roll call, the vote was: Yeas 25; Nays 14; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, McGinn, Pettey, Pittman, Sykes, Ware.

Present and Passing: Billinger.

The Conference Committee Report was adopted.

### **CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

Senator Olson moved the Senate concur in House amendments to **SB 124**.

**SB 124**, AN ACT concerning STAR bonds; prohibiting public officials from benefiting from STAR bond projects; relating to the financing of STAR bond projects and rural redevelopment projects; eligible areas; public notice of hearings on city or county website; posting of documents and link to department of commerce database; disclosure of names of developer; major business facility; real estate transfers; plan for tracking the number of visitors; feasibility study requirements; disclosure of state, federal and local tax incentives within STAR bond district; capital investment and annual sales requirements; STAR bond districts; contiguity; project costs; sunset date; amending K.S.A. 2020 Supp. 12-17,162, 12-17,165, 12-17,166, 12-17,169, 12-17,171 and 12-17,179 and repealing the existing sections.

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

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Gossage, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Ryckman, Suellentrop, Sykes, Thompson, Ware, Wilborn.

Nays: Baumgardner, Erickson, Haley, Hilderbrand, Peck, Pyle, Steffen, Straub, Tyson.

Present and Passing: Warren.

The Senate concurred.

### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Masterson, Wilborn and Alley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1717—

A RESOLUTION urging the legislative coordinating council to revoke any executive order issued by the governor mandating face coverings if such an executive order is issued while the legislature is adjourned.

WHEREAS, 2021 Senate Bill No. 40 was signed into law on March 24, 2021, and became effective on March 31, 2021. This legislation revokes all executive orders currently in effect issued by the governor pursuant to K.S.A. 48-925, and amendments thereto, in response to the current state of disaster emergency declared pursuant to K.S.A. 48-924, and amendments thereto, related to the COVID-19 public health emergency; and

WHEREAS, Governor Kelly issued a statement on March 24, 2021, indicating that she intends to issue an executive order similar to Executive Order 20-68, establishing a face coverings protocol on April 1, 2021; and

WHEREAS, 2021 Senate Bill No. 40 authorizes the legislature to revoke an executive order issued pursuant to K.S.A. 48-925, and amendments thereto, by concurrent resolution of the legislature, and, if the legislature is not in session or is adjourned for three or more days during the legislative session, the legislative coordinating council is authorized to revoke an executive order issued pursuant to K.S.A. 48-925, and amendments thereto; and

WHEREAS, Pursuant to the 2021 session planner, the legislature is scheduled to adjourn on March 31, 2021, for a period of time that is longer than three days; and

WHEREAS, Local units of government, including counties and cities, maintain the legal authority to take any action related to face coverings that such local unit of government determines is necessary for the safety of the people in their community: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Kansas Senate urges the legislative coordinating council to revoke any executive order issued by the governor pursuant to K.S.A. 48-925, and amendments thereto, establishing a face coverings protocol if such an executive order is issued by the governor during a time when the legislature is not in session or is adjourned for three or more days during the legislative session; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to the chairperson of the legislative coordinating council.

President Masterson moved **SR 1717** be advanced to Final Action, subject to debate and roll call. The motion was adopted.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

The resolution was adopted.

#### EXPLANATION OF VOTE

Mr. Vice President: If anyone ever doubted that the COVID virus was political just look at today's vote. Right down political lines.—MARK STEFFEN

Mr. Vice President: We are all utterly exhausted with COVID and all it's brought. For me, one more Kansan lost is one too many. I proudly vote NO.—MARY WARE

Senators Pettey and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Ware on **SR 1717**.

#### **MESSAGES FROM THE GOVERNOR**

**SB 283** approved on March 31, 2021.

#### **CHANGE OF CONFERENCE**

The Vice President appointed Senator Billinger to replace Senator Petersen as a member of the conference committee on **HB 2007**.

#### **MESSAGES FROM THE HOUSE**

Announcing adoption of **HCR 5019**.

**HCR 5019**, A CONCURRENT RESOLUTION relating to the adjournment of the senate and the house of representatives for a period of time during the 2021 regular session of the legislature, was introduced and read by title.

On emergency motion of Senator Alley, **HCR 5019** was adopted by voice vote.

#### **REPORT ON ENROLLED BILLS**

**SB 283** reported correctly enrolled, properly signed and presented to the Governor on March 31, 2021.

**SR 1716** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 31, 2021.

On motion of Senator Alley, the Senate adjourned until 10:00 a.m., Tuesday, April 6, 2021.

# Journal of the Senate

FIFTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, April 6, 2021, 10:00 a.m.

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

Freeing Yourself of Grave Clothes!  
Jeremiah 29:11, John 11:42-44, Hebrews 12:1

Heavenly Father, thank You for bringing us through a significant time of celebration, a time when we are reminded that You have power over death and the grave, that You are the giver, maintainer and re-generator of life. Your Word says in Jeremiah 29:11 that You have plans, plans for us to have a prosperous future.

In John 11:42-44, the future for Lazarus was looking rather dim. He was in the grave. But as a display of Your resurrection power and as a sign pointing to Christ's resurrection, You raised Lazarus from the dead.

But unlike the Christ, there was a problem with Lazarus. Although he was no longer in the grave and was granted new life, he was still bound by his grave clothes. Lord, as You bring us into a fresh newness of life, are there some ways we're being hindered? Are there grave clothes that we need to shed?

In Hebrews 12:1, You say we must get rid of everything that slows us down, especially the sins that want to hold on to you. And we must be determined to run the race that is ahead of us.

Give us the same kind of determination that Scott Drew, head coach of the Baylor Bears, gave reference to. He said they did not come to just play in the tournament. They came to win!

So Lord, that we may be winners, as You did with Lazarus, deliver us from any dead places that hold us back and free us from any dead clothes that slow us down or bind us. Thank You for being our Head Coach with a plan for us to win. I offer this prayer in the precious Name of Jesus, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

## MESSAGES FROM THE GOVERNOR

**SB 64, SB 118** approved on April 2, 2021

**SB 37, SB 63, SB 99** approved on April 5, 2021

The following Executive Orders are enclosed for your information: EO 21-09, EO 21-10, EO 21-11, EO 21-12, EO 21-13, EO 21-14, EO 21-15, EO 21-16, EO 21-17, EO 21-18, EO 21-19, EO 21-20, EO 21-21. (April 1, 2021)

**MESSAGE FROM THE HOUSE**

Announcing passage of **Sub HB 2119, Sub HB 2397; HB 2448.**  
 Announcing passage of **SB 159**, as amended.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**Sub HB 2119, Sub HB 2397; HB 2448** were thereupon introduced and read by title.

**CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

On motion of Senator Kerschen the Senate nonconcurring in the House amendments to **SB 38** and requested a conference committee be appointed.

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

On motion of Senator Kerschen the Senate nonconcurring in the House amendments to **SB 142** and requested a conference committee be appointed.

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

On motion of Senator Kerschen the Senate nonconcurring in the House amendments to **SB 143** and requested a conference committee be appointed.

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

On motion of Senator Kerschen the Senate nonconcurring in the House amendments to **SB 160** and requested a conference committee be appointed.

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

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

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**AFTERNOON SESSION**
**MESSAGE FROM THE HOUSE**

The following bills were stricken from the Calendar on March 31, 2021 in accordance with House Rule 1507: **SB 4, SB 56; H Sub SB 69; SB 120; H Sub SB 167, SB 204.**

Announcing passage of **SB 16.**

The House accedes to the request of the Senate for a conference on **SB 60** and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub for SB 78** and has appointed Representatives S. Johnson, Croft and Neighbor as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 106** and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 122** and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 127** and has appointed Representatives Proehl, Delperdang and Helgerson as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub for SB 273** and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2134**, requests a conference and has appointed Representatives S. Johnson, Croft and Neighbor as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2218**, requests a conference and has appointed Representatives Ryckman, Croft and Neighbor as conferees on the part of the House.

The House announce the appointment of Representatives Waymaster, Hoffman and Wolfe Moore as conferees on **HB 2007**.

#### CHANGE OF CONFERENCE

The Vice President appointed Senators Baumgardner, Erickson and Sykes to replace Senators Hilderbrand, Gossage and Pettey as members of the conference committee on **SB 175**.

#### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **Sub HB 2166** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

MIKE PETERSEN

J.R. CLAEYS

*Conferees on part of Senate*

RICHARD PROEHL

LEO DELPERDANG

*Conferees on part of House*

On motion of Senator Petersen the Senate adopted the conference committee report on **HB 2166**, and requested a new conference be appointed.

The Vice President appointed Senators Petersen, Claeys and Hawk as a second Conference Committee on the part of the Senate on **Sub HB 2166**.

#### ORIGINAL MOTION

On motion of Senator Billinger, the Senate acceded to the request of the House for a conference on **HB 2218**.

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

On motion of Senator Longbine, the Senate acceded to the request of the House for a conference on **HB 2134**.

The Vice President appointed Senators Longbine, Peck and Holscher as conferees on the part of the Senate.

### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Billinger the Senate nonconcurred in the House amendments to **SB 159** and requested a conference committee be appointed.

The Vice President appointed Senators Billinger, Claeys and Hawk as a conference committee on the part of the Senate.

Senator Kerschen moved the Senate concur in House amendments to **SB 89**.

**SB 89**, AN ACT concerning traffic regulations; relating to size and weight laws; exempting the transport of agricultural forage commodities from the secured loads statute; amending K.S.A. 8-1906 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The Senate concurred.

### CONSIDERATION OF APPOINTMENTS

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

Senator Alley moved the following appointments be confirmed.

*By the Attorney General*

On the appointment to the:

*Office of Inspector General:*

Steven Anderson, to serve a term ending January 15, 2025

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The appointment was confirmed.

*By the Attorney General*

On the appointment to the:

*Kansas Crime Victims Compensation Board:*

Rebecca Dickinson, to serve a term ending March 15, 2025

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand,

Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Civil Service Board:*

Sheryl Gilchrist, to serve a term ending March 15, 2025

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Racing and Gaming Commission:*

Brandon Jones, to serve a term ending January 15, 2025

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Wilborn.

Present and Passing: Warren.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Development Finance Authority:*

Suchitra Padmanabhan, to serve a term ending January 15, 2025

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Civil Service Board:*

Tom Phillips, to serve a term ending March 15, 2025

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Sykes, Thompson, Tyson, Ware, Wilborn.

Present and Passing: Erickson, Gossage, Straub, Suellentrop, Warren.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*University of Kansas Hospital Authority:*

Mark Uhlig, to serve a term ending March 15, 2024

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Board of Tax Appeals:*

Kristen Wheeler, to serve a term ending January 15, 2025

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Peck.

The appointment was confirmed.

## REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2408**, as amended by House Committee, be passed.

On motion of Senator Alley, the Senate adjourned until 10:00 a.m., Wednesday, April 7, 2021.

# Journal of the Senate

FIFTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, April 7, 2021, 10:00 a.m.

The Senate was called to order by Vice President Rick Wilborn.  
The roll was called with 38 senators present.  
Senators O'Shea and Thompson were excused.  
Invocation by Reverend Cecil T. Washington:

Oh, To Be Close To God  
Genesis 4:1; Exodus 33:13

Heavenly Father, Your word says, in Genesis 4:1, that Adam knew Eve and she conceived a son. They became so intimate that new life was brought forth. The prayer today is that You would help us to know You, not just to know some things about You. But, to know You so closely and so intimately that new life-giving ideas and ways of thinking will be conceived.

In Exodus 33:13, Moses asked You to show him Your ways that he might know You and find grace in Your sight, that You would be pleased with him. Help us to know You like that, to the degree that we will conceive and give birth to that which is new and improved. New and improved thoughts, new and improved decisions that will bring forth new and improved lives. Not only for us, but for our families and for the people we serve.

So, Lord, keep us from arbitrarily straying away from You. Hold us close, real close. In Jesus' Name, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 310**, AN ACT concerning reapportionment; establishing the Kansas reapportionment commission; providing requirements for enactment of reapportionment plans, by Committee on Federal and State Affairs.

**SB 311**, AN ACT concerning sales taxation; relating to exemptions; providing an exemption for certain purchases and sales by the Johnson county Christmas bureau association; amending K.S.A. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **Sub HB 2119**.  
Public Health and Welfare: **HB 2448**.  
Ways and Means: **Sub HB 2397**.

### CHANGE OF REFERENCE

Under the authority of the President, the Vice President withdrew **HB 2209** from the Calendar under the heading of **General Orders**, and referred the bill to the Committee on **Federal and State Affairs**.

### MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2071**.

The House adopts the Conference Committee report on **HB 2104**.

The House announced the appointment of Representatives Williams, Hoffman and Winn as conferees on **SB 175** to replace Representatives Landwehr, Eplee and Parker.

The House accedes to the request of the Senate for a conference on **SB 38** and has appointed Representatives Rahjes, Smith, E. and Carlin as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 55** and has appointed Representatives Williams, Huebert and Stogsdill as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 142** and has appointed Representatives Rahjes, Smith, E. and Carlin as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 143** and has appointed Representatives Rahjes, Smith, E. and Carlin as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 160** and has appointed Representatives Rahjes, Smith, E. and Carlin as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2039**, requests a conference and has appointed Representatives Huebert, Thomas and Stogsdill as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2077**, requests a conference and has appointed Representatives Jennings, Owens and Highberger as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2079**, requests a conference and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2121**, requests a conference and has appointed Representatives Jennings, Owens and Highberger as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub Sub HB 2196**, requests a conference and has appointed Representatives Tarwater, Long and Clayton as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2201**, requests a conference and has appointed Representatives Proehl, Delperdang and Helgerson as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2208**, requests a conference and has appointed Representatives Landwehr, Eplee and Parker as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2390**, requests a conference and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2391**, requests a conference and has appointed Representatives Tarwater, Long and Clayton as conferees on the part of the House.

### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Billinger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1718—

A RESOLUTION designating April 7, 2021, as Joey Weber Remembrance Day to honor Joey Weber's life and those who dedicate their lives to working with persons diagnosed with cognitive disabilities throughout Kansas.

WHEREAS, On August 18, 2016, Joey Weber had a fatal encounter with a police officer in Hays, Kansas; and

WHEREAS, Joey was a lifelong Kansan who had been diagnosed with autism; and

WHEREAS, John and Nancy Weber chose to honor the tragic death of their son by advocating for the protection of those diagnosed with cognitive disabilities; and

WHEREAS, The Webers' advocacy resulted in the passage of Joey's Law, which helps law enforcement to be better equipped with the ability to handle encounters with Kansans with cognitive disabilities; and

WHEREAS, The Webers continue to honor the memory of their son by establishing the Joey Weber Endowment Fund at the Developmental Services of Northwest Kansas, Inc.; and

WHEREAS, Developmental Services of Northwest Kansas, Inc., provides numerous programs to enrich the lives of those facing lifelong mental or physical challenges: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate April 7, 2021, as Joey Weber Remembrance Day to honor Joey's life and those who dedicate their lives working with persons diagnosed with cognitive disabilities; and

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

On emergency motion of Senator Billinger **SR 1718** was adopted by voice vote.

### ORIGINAL MOTION

On motion of Senator Baumgardner, the Senate acceded to the request of the House for a conference on **HB 2039**.

The Vice President appointed Senators Baumgardner, Erickson and Sykes as conferees on the part of the Senate.

On motion of Senator Warren, the Senate acceded to the request of the House for a conference on **HB 2077**.

The Vice President appointed Senators Warren, Wilborn and Haley as conferees on the part of the Senate.

On motion of Senator Billinger, the Senate acceded to the request of the House for a conference on **HB 2079**.

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

On motion of Senator Warren, the Senate acceded to the request of the House for a conference on **HB 2121**.

The Vice President appointed Senators Warren, Wilborn and Haley as conferees on the part of the Senate.

On motion of Senator Olson, the Senate acceded to the request of the House for a conference on **S Sub HB 2196**.

The Vice President appointed Senators Olson, Steffen and Holland as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **S Sub HB 2201**.

The Vice President appointed Senators Petersen, Claeys and Hawk as conferees on the part of the Senate.

On motion of Senator Hilderbrand, the Senate acceded to the request of the House for a conference on **S Sub HB 2208**.

The Vice President appointed Senators Hilderbrand, Gossage and Pettey as conferees on the part of the Senate.

On motion of Senator Bowers, the Senate acceded to the request of the House for a conference on **HB 2390**.

The Vice President appointed Senators Bowers, McGinn and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Bowers, the Senate acceded to the request of the House for a conference on **HB 2391**.

The Vice President appointed Senators Bowers, McGinn and Faust-Goudeau as conferees on the part of the Senate.

#### **CHANGE OF CONFERENCE**

The Vice President appointed Senators McGinn and Kerschen to replace Senators Billinger and Claeys as members of the conference committee on **HB 2218**.

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

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#### **MESSAGE FROM THE HOUSE**

The House concurs in Senate amendments to **HB 2247**.

The House concurs in Senate amendments to **HB 2165**.

The House concurs in Senate amendments to **HB 2167**.

The House concurs in Senate amendments to **HB 2245**.

The House nonconcurrs in Senate amendments to **HB 2106**, requests a conference and has appointed Representatives Smith, A., Mason and Gartner as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2143**, requests a conference and has appointed Representatives Smith, A., Mason and Gartner as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub for HB 2183**, requests a conference and has appointed Representatives B. Carpenter, Bergquist and Miller as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2332**, requests a conference and has appointed Representatives B. Carpenter, Bergquist and Miller as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2021**, requests a conference and has appointed Representatives Waymaster, Hoffman and Wolfe Moore as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub for HB 2074**, requests a conference and has appointed Representatives Kelly, Hoheisel and Xu as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 159** and has appointed Representatives Waymaster, Hoffman and Wolfe Moore as conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **Sub HB 2166**, and has appointed Representatives Proehl, Delperdang and Helgerson as Second conferees on the part of the House.

#### COMMITTEE OF THE WHOLE

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

**HB 2408** be passed.

**HB 2401, HB 2405** be amended by the adoption of the committee amendments, and the bills be passed as amended.

An amendment was offered on **HB 2405** by Senator Tyson. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

**SB 87** be passed over and retain a place on the calendar.

The Committee rose and reported progress (See Committee of the Whole evening session.)

#### ORIGINAL MOTION

On motion of Senator Billinger, the Senate acceded to the request of the House for a conference on **HB 2021**.

The President appointed Senators Billinger, Claeys and Hawk as conferees on the part of the Senate.

On motion of Senator Longbine, the Senate acceded to the request of the House for a conference on **S Sub HB 2074**.

The President appointed Senators Longbine, Fagg and Pittman as conferees on the part of the Senate.

On motion of Senator Tyson, the Senate acceded to the request of the House for a conference on **HB 2106**.

The President appointed Senators Tyson, Alley and Holland as conferees on the part of the Senate.

On motion of Senator Tyson, the Senate acceded to the request of the House for a conference on **HB 2143**.

The President appointed Senators Tyson, Alley and Holland as conferees on the part of the Senate.

On motion of Senator Alley, the Senate acceded to the request of the House for a conference on **S Sub HB 2183**.

The President appointed Senators Alley, Hilderbrand and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Alley, the Senate acceded to the request of the House for a conference on **HB 2332**.

The President appointed Senators Alley, Hilderbrand and Faust-Goudeau as conferees on the part of the Senate.

The Senate recessed to the sound of the gavel.

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#### MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **SB 175**, and has appointed Representatives Williams, Hoffman and Winn as Second conferees on the part of the House.

#### COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for considerations of bills under the heading of General Orders with Senator Baumgardner in the Chair.

On motion of Senator Baumgardner the report for the afternoon and the following evening session was adopted:

**HB 2224**, be amended by the adoption of the committee amendments, and the bill be passed as amended.

A motion by Senator Steffen to amend **HB 2224** was offered. A ruling of the chair was requested as to the germaneness of the amendment. The chair ruled the amendment was germane to the bill.

The motion by Senator Steffen to amend **HB 2224** failed and the following amendment was rejected: on page 1, following line 7, by inserting:

"Section 1. K.S.A. 65-508 is hereby amended to read as follows: 65-508. (a) Any maternity center or child care facility subject to the provisions of this act shall:

- (1) Be properly heated, plumbed, lighted and ventilated;
- (2) have plumbing, water and sewerage systems—~~which~~ that conform to all applicable state and local laws; and
- (3) be operated with strict regard to the health, safety and welfare of any woman or child.

(b) Every maternity center or child care facility shall furnish or cause to be furnished for the use of each resident and employee individual towel, wash cloth, comb and individual drinking cup or sanitary bubbling fountain, and toothbrushes for all other

than infants, and shall keep or require such articles to be kept at all times in a clean and sanitary condition. Every maternity center or child care facility shall comply with all applicable fire codes and rules and regulations of the state fire marshal.

(c) (1) The secretary of health and environment with the cooperation of the secretary for children and families shall develop and adopt rules and regulations for the operation and maintenance of maternity centers and child care facilities. The rules and regulations for operating and maintaining maternity centers and child care facilities shall be designed to promote the health, safety and welfare of any woman or child served in such facilities by ensuring safe and adequate physical surroundings, healthful food, adequate handwashing, safe storage of toxic substances and hazardous chemicals, sanitary diapering and toileting, home sanitation, supervision and care of the residents by capable, qualified persons of sufficient number, after-hour care, an adequate program of activities and services, sudden infant death syndrome and safe sleep practices training, prohibition on corporal punishment, crib safety, protection from electrical hazards, protection from swimming pools and other water sources, fire drills, emergency plans, safety of outdoor playground surfaces, door locks, safety gates and transportation and such appropriate parental participation as may be feasible under the circumstances. Boarding schools are excluded from requirements regarding the number of qualified persons who must supervise and provide care to residents.

(2) Rules and regulations developed under this subsection shall include provisions for the competent supervision and care of children in day care facilities. For purposes of such rules and regulations, competent supervision as this term relates to children less than five years of age includes, but is not limited to, direction of activities, adequate oversight including sight or sound monitoring, or both, physical proximity to children, diapering and toileting practices; and for all children, competent supervision includes, but is not limited to, planning and supervision of daily activities, safe sleep practices, including, but not limited to, visual or sound monitoring, periodic checking, emergency response procedures and drills, illness and injury response procedures, food service preparation and sanitation, playground supervision, pool and water safety practices.

(d) In addition to any rules and regulations adopted under this section for safe sleep practices, child care facilities shall ensure that all of the following requirements are met for children under 12 months of age:

(1) A child shall only be placed to sleep on a surface and in an area that has been approved for use as such by the secretary of health and environment;

(2) the sleep surface shall be free from soft or loose bedding, including, but not limited to, blankets, bumpers and pillows; and

(3) the sleep surface shall be free from toys, including mobiles and other types of play equipment or devices.

(e) Child care facilities shall ensure that children over 12 months of age only be placed to sleep on a surface and in an area that has been approved for use as such by the secretary of health and environment.

(f) The secretary of health and environment may exercise discretion to make exceptions to requirements in subsections (d) and (e) where special health needs exist.

(g) Each child cared for in a child care facility, including children of the person maintaining the facility, shall be required to have current such immunizations as the

secretary of health and environment considers necessary as specified in subsection (h). The person maintaining a child care facility shall maintain a record of each child's immunizations and shall provide to the secretary of health and environment such information relating thereto, in accordance with rules and regulations of the secretary, but the person maintaining a child care facility shall not have such person's license revoked solely for the failure to have or to maintain the immunization records required by this subsection.

(h) Except as provided in subsection (j), the following immunizations are required for each child cared for in a child care facility pursuant to subsection (g):

- (1) Diphtheria;
- (2) hepatitis A;
- (3) hepatitis B;
- (4) measles (rubeola);
- (5) meningitis;
- (6) mumps;
- (7) pertussis (whooping cough);
- (8) poliomyelitis;
- (9) rubella (German measles);
- (10) tetanus; and
- (11) varicella (chicken pox).

(i) The secretary may deem any immunization specified in subsection (h) as no longer required if the secretary determines that such immunization is not necessary or is unsafe.

(j) The immunization requirement of subsection (g) shall not apply if one of the following is obtained:

(1) Certification from a licensed physician stating that the physical condition of the child is such that immunization would endanger the child's life or health; or

(2) a written statement signed by a parent or guardian that the parent or guardian is an adherent of a religious denomination whose teachings are opposed to immunizations.";

On page 3, following line 34, by inserting:

"Sec. 4. K.S.A. 72-6262 is hereby amended to read as follows: 72-6262. (a) In each school year, every ~~pupil student~~ enrolling or enrolled in any school for the first time in this state, and each child enrolling or enrolled for the first time in a preschool or day care program operated by a school, and such other ~~pupils students~~ as may be designated by the secretary, prior to admission to and attendance at school, shall present to the appropriate school board certification from a physician or local health department that the ~~pupil student~~ has received such tests deemed necessary by the secretary by such means as are approved by the secretary, and ~~inoculations such immunizations as are specified in subsection (b) deemed necessary by the secretary by such means as are approved by the secretary.~~ Pupils Students who have not completed the required ~~inoculations immunizations~~ may enroll or remain enrolled while completing the required ~~inoculations immunizations~~ if a physician or local health department certifies that the ~~pupil student~~ has received the most recent, appropriate ~~inoculations immunizations~~ in all required series. Failure to timely complete all required series shall be deemed non-compliance.

(b) Except as provided in subsection (d), the following immunizations are required

for school attendance pursuant to subsection (a):

- (1) Diphtheria;
- (2) hepatitis A;
- (3) hepatitis B;
- (4) measles (rubeola);
- (5) meningitis;
- (6) mumps;
- (7) pertussis (whooping cough);
- (8) poliomyelitis;
- (9) rubella (German measles);
- (10) tetanus; and
- (11) varicella (chicken pox).

(c) The secretary may deem any immunization specified in subsection (b) as no longer required for school attendance if the secretary determines that such immunization is not necessary for school attendance or is unsafe.

(d) As an alternative to the certification required under subsection (a), a ~~pupil~~ student shall present:

(1) An annual written statement signed by a licensed physician stating the physical condition of the child to be such that the tests or ~~inoculations~~ immunizations would seriously endanger the life or health of the child; or

(2) a written statement signed by one parent or guardian that the child is an adherent of a religious denomination whose religious teachings are opposed to such tests or ~~inoculations~~ immunizations.

~~(e)(f)~~ On or before May 15 of each school year, the school board of every school affected by this act shall notify the parents or guardians of all known ~~pupils~~ students who are enrolled or who will be enrolling in the school of the provisions this act and any policy regarding the implementation of the provisions of this act adopted by the school board.

~~(d)(g)~~ If a ~~pupil~~ student transfers from one school to another, the school from which the ~~pupil~~ student transfers shall forward with the ~~pupil's~~ student's transcript the certification or statement showing evidence of compliance with the requirements of this act to the school to which the ~~pupil~~ student transfers.";

Also on page 3, in line 35, after the first "K.S.A." by inserting "65-508,"; also in line 35, after "65-6009" by inserting "and 72-6262";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "to" by inserting "infectious diseases; powers of the secretary of health and environment; childhood immunizations required for attendance at a child care facility or school;"; in line 4, after the first "K.S.A." by inserting "65-508,"; also in line 4, after "65-6009" by inserting "and 72-6262"

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

On roll call, the vote was: Yeas 17; Nays 18; Present and Passing 0; Absent or Not Voting 5.

Yeas: Alley, Baumgardner, Claeys, Erickson, Fagg, Gossage, Hilderbrand, Masterson, Olson, Peck, Petersen, Pyle, Steffen, Straub, Tyson, Warren, Wilborn.

Nays: Bowers, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, McGinn, Pettey, Pittman, Suellentrop, Sykes, Ware.

Absent or Not Voting: Billinger, Hawk, O'Shea, Ryckman, Thompson.

Committee report on **HB 2138** recommending **S Sub HB 2138** be adopted, be amended by motion of Senator Alley: on page 4, following line 35, by inserting:

"Sec. 6. K.S.A. 2020 Supp. 41-2640 is hereby amended to read as follows: 41-2640. (a) No club, drinking establishment, caterer or holder of a temporary permit, nor any person acting as an employee or agent thereof, shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(6) sell or serve margarita, sangria, daiquiri, mojito or other mixed alcoholic~~

beverages as approved by the director in a pitcher containing not more than 64 fluid ounces.

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

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

(2) (A) For purposes of this subsection, "automated device" ~~shall mean means~~ any mechanized device capable of dispensing wine or beer, or both, directly to a customer in exchange for compensation that a licensee has received directly from the customer.

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

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

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

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

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

(G) Each access card shall be programmed to allow the dispensing of no more than 15 ounces of wine or 32 ounces of beer to a customer. Once an access card has been used to dispense 15 ounces of wine or 32 ounces of beer to a customer, the access card shall become inactive. Any customer in possession of an inactive access card may, upon production of the customer's valid identification to the licensee or licensee's employee,

have the access card reactivated to allow the dispensing of an additional 15 ounces of wine or 32 ounces of beer from an automated device.

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

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

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

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

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

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

(i) For the purposes of this section, ~~the term:~~

(1) "Day" means from 6:00 a.m. until 2:00 a.m. the following calendar day;

(2) "mixed alcoholic beverage" means a beverage that is made by combining alcoholic liquor with a non-alcoholic liquid or other edible substance and that is comprised of at least 25% non-alcoholic liquid or other edible substance, including, but not limited to, margarita, sangria, daiquiri or mojito; and

(3) "pitcher" means any container that is capable of containing more than 32 fluid ounces but not more than 64 fluid ounces that is used to serve alcoholic liquor or cereal malt beverage to one or more individuals.";

On page 13, in line 29, after the first comma by inserting "41-2640,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "specifying requirements for serving alcoholic liquor in pitchers;"; in line 7, after the second comma by inserting "41-2640,".

**S Sub HB 2138** be further amended by motion of Senator Peck: on page 3, in line 9, before "Thanksgiving" by inserting "Memorial Day, Independence Day, Labor Day,";

On page 10, in line 1, before "as" by inserting "and on Memorial Day, Independence Day and Labor Day"; in line 9, before the period by inserting ", Memorial Day, Independence Day and Labor Day";

On page 11, in line 3, before "as" by inserting "and on Memorial Day, Independence Day and Labor Day"; in line 4, before the parenthesis by inserting ", Memorial Day, Independence Day and Labor Day"; in line 31, before "as" by inserting "and on

Memorial Day, Independence Day and Labor Day"; in line 33, before the parenthesis by inserting ", Memorial Day, Independence Day and Labor Day"; in line 43, before "as" by inserting "and on Memorial Day, Independence Day and Labor Day";

On page 12, in line 6, before the period by inserting ", Memorial Day, Independence Day and Labor Day"; in line 39, before "as" by inserting "and on Memorial Day, Independence Day and Labor Day"; in line 41, before the parenthesis by inserting ", Memorial Day, Independence Day and Labor Day";

On page 13, in line 22, before "as" by inserting "and on Memorial Day, Independence Day and Labor Day"; in line 23, before the parenthesis by inserting ", Memorial Day, Independence Day and Labor Day"

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

On roll call, the vote was: Yeas 20; Nays 15; Present and Passing 1; Absent or Not Voting 4.

Yeas: Baumgardner, Bowers, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Masterson, McGinn, Peck, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Tyson, Warren.

Nays: Alley, Claeys, Corson, Dietrich, Faust-Goudeau, Haley, Holland, Holscher, Longbine, Olson, Petersen, Pettey, Sykes, Ware, Wilborn.

Present and Passing: Francisco.

Absent or Not Voting: Billinger, Hawk, O'Shea, Thompson, and **S Sub HB 2138** be passed as amended.

**Sub HB 2089** be amended by the adoption of the committee amendments, and the bill be passed as amended.

Motions by Senator Faust-Goudeau and Senator Ware to amend **HB 2089** failed.

## REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2058**, as amended by House Committee of the Whole, be amended on page 1, following line 8, by inserting:

"WHEREAS, The amendments made to the provisions of K.S.A. 2020 Supp. 21-6304 and 21-6614 by this act shall be known as the Kansas protection of firearms rights act.

Now, therefore:"

On page 9, following line 25, by inserting:

"Sec. 4. K.S.A. 2020 Supp. 21-6304 is hereby amended to read as follows: 21-6304. (a) Criminal possession of a weapon by a convicted felon is possession of any weapon by a person who:

(1) Has been convicted of a person felony or a violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any violation of any provision of the uniform controlled substances act prior to July 1, 2009, or a crime under a law of another jurisdiction ~~which that~~ is substantially the same as such felony or violation, or was adjudicated a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a person felony or a violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any violation of any provision of the uniform controlled substances act prior to July 1, 2009, and was found by the convicting court to have ~~been in possession of~~ used a firearm ~~at the time of~~ in the

commission of the crime;

(2) ~~within the preceding five years has been convicted of a felony, other than those specified in subsection (a)(3)(A), under the laws of Kansas or a crime under a law of another jurisdiction which is substantially the same as such felony, has been released from imprisonment for a felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a felony, and was not found to have been in possession of a firearm at the time of the commission of the crime; or~~

~~(3) within the preceding 10 years, has been~~

~~(A) (i) Has been convicted of a person felony, other than those specified in subsection (a)(3)(A)(i), under the laws of Kansas or a crime under the law of another jurisdiction which is substantially the same as such person felony; or~~

~~(ii) was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a person felony;~~

~~(B) was not found by the convicting court to have used a firearm in the commission of such crime; and~~

~~(C) less than three years have elapsed since such person satisfied the sentence imposed or the terms of any diversion agreement for such crime, or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence;~~

~~(3) (A) (i) has been convicted of a:~~

~~(A) felony under:~~

~~(a) K.S.A. 2020 Supp. 21-5402, 21-5403, 21-5404, 21-5405, 21-5408, subsection (b) or (d) of 21-5412 (b) or (d), subsection (b) or (d) of 21-5413(b) or (d), subsection (a) of 21-5415(a), subsection (b) of 21-5420(b), 21-5503, subsection (b) of 21-5504(b), subsection (b) of 21-5505(b), and subsection (b) of 21-5807(b), and amendments thereto;~~

~~(b) article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto;~~

~~(c) K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer;~~

~~(d) K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3442, 21-3502, 21-3506, 21-3518, 21-3716, 65-4127a, 65-4127b, 65-4159 through 65-4165 or 65-7006, prior to their repeal;~~

~~(e) an attempt, conspiracy or criminal solicitation as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of any such felony; or~~

~~(f) a crime under a law of another jurisdiction which that is substantially the same as such felony, has been; or~~

~~(ii) has been released from imprisonment for such felony, or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of such felony, was not found to have been in possession of a firearm at the time of the commission of the crime, and has not had the conviction of such crime expunged or been pardoned for such crime. The provisions of subsection (j) (2) of K.S.A. 2020 Supp. 21-6614, and amendments thereto, shall not apply to an individual who has had a conviction under this paragraph expunged; or~~

~~(B) nonperson felony under the laws of Kansas or a crime under the laws of another jurisdiction which is substantially the same as such nonperson felony, has been~~

~~released from imprisonment for such nonperson felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a nonperson felony, and was found to have been in possession of a firearm at the time of the commission of the crime; and~~

(B) less than eight years have elapsed since such person satisfied the sentence imposed or the terms of any diversion agreement for such crime, or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; or

(4) (A) (i) has been convicted of any other nonperson felony, other than those specified in subsections (a)(1) through (a)(3), under the laws of Kansas or a crime under the law of another jurisdiction which is substantially the same as such nonperson felony; or

(ii) was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a nonperson felony; and

(B) less than three months have elapsed since such person satisfied the sentence imposed or the terms of any diversion agreement for such crime, or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(b) Criminal possession of a weapon by a convicted felon is a severity level 8, nonperson felony.

(c) The provisions of subsections (a)(1), (a)(2) and (a)(4) shall not apply to a person who has been convicted of a crime and has had the conviction of such crime expunged or has been pardoned for such crime.

(d) As used in this section:

(1) "Knife" means a dagger, dirk, switchblade, stiletto, straight-edged razor or any other dangerous or deadly cutting instrument of like character; and

(2) "weapon" means a firearm or a knife.;"

On page 11, following line 15, by inserting:

"Sec. 6. K.S.A. 2020 Supp. 21-6614 is hereby amended to read as follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e) and (f), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, any nongrid felony or felony ranked in severity levels 6 through 10 of the nondrug grid, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity level 5 of the drug grid may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Any person convicted of prostitution, as defined in K.S.A. 21-3512, prior to its repeal, convicted of a violation of K.S.A. 2020 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal

proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

(c) Except as provided in subsections (e) and (f), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any felony ranked in severity levels 1 through 5 of the nondrug grid, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity levels 1 through 4 of the drug grid, or:

(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or K.S.A. 2020 Supp. 21-5406, and amendments thereto, or as prohibited by any law of another state ~~which that~~ is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state ~~which that~~ is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state ~~which that~~ is in substantial conformity with that statute;

(4) violating the provisions of K.S.A. 8-142 *Fifth*, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state ~~which that~~ is in substantial conformity with that statute;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1603, prior to its repeal, or K.S.A. 8-1602 or 8-1604, and amendments thereto, or required by a law of another state ~~which that~~ is in substantial conformity with those statutes;

(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(d) (1) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if

such person was convicted of a first violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation.

(2) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a second or subsequent violation of K.S.A. 8-1567, and amendments thereto.

(3) Except as provided further, the provisions of this subsection shall apply to all violations committed on or after July 1, 2006. The provisions of subsection (d)(2) shall not apply to violations committed on or after July 1, 2014, but prior to July 1, 2015.

(e) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2020 Supp. 21-5503, and amendments thereto;

(2) indecent liberties with a child or aggravated indecent liberties with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or K.S.A. 2020 Supp. 21-5506, and amendments thereto;

(3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or K.S.A. 2020 Supp. 21-5504(a)(3) or (a)(4), and amendments thereto;

(4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2020 Supp. 21-5504, and amendments thereto;

(5) indecent solicitation of a child or aggravated indecent solicitation of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 2020 Supp. 21-5508, and amendments thereto;

(6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto;

(7) internet trading in child pornography or aggravated internet trading in child pornography, as defined in K.S.A. 2020 Supp. 21-5514, and amendments thereto;

(8) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2020 Supp. 21-5604, and amendments thereto;

(9) endangering a child or aggravated endangering a child, as defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2020 Supp. 21-5601, and amendments thereto;

(10) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal, or K.S.A. 2020 Supp. 21-5602, and amendments thereto;

(11) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2020 Supp. 21-5401, and amendments thereto;

(12) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2020 Supp. 21-5402, and amendments thereto;

(13) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2020 Supp. 21-5403, and amendments thereto;

(14) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2020 Supp. 21-5404, and amendments thereto;

(15) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 2020 Supp. 21-5405, and amendments thereto;

(16) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or K.S.A. 2020 Supp. 21-5505, and amendments thereto, when the victim was less than 18 years

of age at the time the crime was committed;

(17) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 2020 Supp. 21-5505, and amendments thereto;

(18) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or

(19) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.

(f) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.

(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:

(A) Defendant's full name;

(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

(C) defendant's sex, race and date of birth;

(D) crime for which the defendant was arrested, convicted or diverted;

(E) date of the defendant's arrest, conviction or diversion; and

(F) identity of the convicting court, arresting law enforcement authority or diverting authority.

(2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$176. On and after July 1, 2019, through June 30, 2025, the supreme court may impose a charge, not to exceed \$19 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(h) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; ~~and~~

(3) the expungement is consistent with the public welfare; ~~and~~

(4) with respect to petitions seeking expungement of a felony conviction, possession of a firearm by the petitioner is not likely to pose a threat to the safety of the public.

(i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the

petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation—~~which that~~ shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency—~~which that~~ may have a record of the arrest, conviction or diversion. If the case was appealed from municipal court, the clerk of the district court shall send a certified copy of the order of expungement to the municipal court. The municipal court shall order the case expunged once the certified copy of the order of expungement is received. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 75-7e01 et seq., and amendments thereto; or

~~(L) to aid in determining the petitioner's qualifications for a license to act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-7e09, and amendments thereto, and K.S.A. 2020 Supp. 50-6,141, and amendments thereto;~~

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense ~~which that~~ requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(j) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(k) (1) Subject to the disclosures required pursuant to subsection (i), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime.

~~(2) Notwithstanding the provisions of subsection (k)(1), and except as provided in K.S.A. 2020 Supp. 21-6304(a)(3)(A), and amendments thereto, the expungement of a prior felony conviction does not relieve the individual of complying with any state or federal law relating to the use, shipment, transportation, receipt or possession of firearms by persons previously convicted of a felony. A person whose arrest record, conviction or diversion of a crime that resulted in such person being prohibited by state or federal law from possessing a firearm has been expunged under this statute shall be deemed to have had such person's right to keep and bear arms fully restored. This restoration of rights shall include, but not be limited to, the right to use, transport, receive, purchase, transfer and possess firearms. The provisions of this paragraph shall apply to all orders of expungement, including any orders issued prior to July 1, 2021.~~

(l) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary for aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;

(7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the Kansas sentencing commission;

(12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

(13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto;

(16) ~~(A)~~ the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to:

~~(A) Carry a concealed weapon pursuant to the personal and family protection act; or~~

~~(B) act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-7e09, and amendments thereto, and K.S.A. 2020 Supp. 50-6,141, and amendments thereto; or~~

~~(B) the attorney general for any other purpose authorized by law, except that an expungement record shall not be the basis for denial of a license to carry a concealed handgun under the personal and family protection act; or~~

(17) the Kansas bureau of investigation, for the ~~purposes~~ purpose of:

~~(A) completing a person's criminal history record information within the central repository, in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or~~

~~(B) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.~~

(m) ~~(1)~~ The provisions of subsection (1)(17) shall apply to records created prior to, on and after July 1, 2011.

(2) Upon the issuance of an order of expungement that resulted in the restoration of a person's right to keep and bear arms, the Kansas bureau of investigation shall report to the federal bureau of investigation that such expunged record be withdrawn from the national instant criminal background check system. The Kansas bureau of investigation shall include such order of expungement in the person's criminal history record for purposes of documenting the restoration of such person's right to keep and bear arms."

On page 20, in line 14, after the comma, by inserting "21-6304,"; also in line 14, after "21-6309" by inserting ", 21-6614";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "crimes, punishment and criminal procedure; relating to"; also in line 1, by striking all after the semicolon; in line 2, by striking all before the first semicolon and inserting "reducing the underlying felonies for the crime of criminal possession of a weapon by a convicted felon; restoration of the right to possess firearms upon expungement of convictions"; also in line 2, after "licenses" by inserting "under the personal and family protection act"; in line 7, after "21-6302," by inserting "21-6304,"; in line 8, after "6309" by inserting ", 21-6614"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2363**, as amended by House Committee, be amended on page 2, in line 5, by striking "\$80 per hour" and inserting "the maximum rate"; and the bill be passed as amended.

## ORIGINAL MOTION

Senator Alley moved **HB 2058**, as amended by Senate Committee, be advanced to Final Action, subject to amendment, debate and roll call. Motion carried.

Senator Hilderbrand moved the adoption of the committee report on **HB 2058**. Motion carried.

A motion by Senator Sykes to amend **HB 2058** failed.

A motion by Senator Sykes to amend **HB 2058** failed and the following amendment was rejected: on page 1, by striking all in lines 20 through 32;

By striking all on pages 2 through 8;

On page 9, by striking all in lines 1 through 36;

On page 12, by striking all in lines 13 through 43;

By striking all on page 13;

On page 14, by striking all in lines 1 and 2;

On page 23, by striking all in lines 4 through 43;

On page 24, by striking all in lines 1 through 30; in line 43, by striking all after "license";

On page 25, in line 1, by striking all before "and"; by striking all in lines 36 through 43;

By striking all on page 26;

On page 27, by striking all in lines 1 through 22;

On page 30, by striking all in lines 37 through 43;

On page 31, by striking all in lines 1 through 42; in line 43, by striking "75-7c02,"; also in line 43, by striking ", 75-7c04," and inserting "and";

On page 32, in line 1, by striking ", 75-7c08 and 75-7c21"; also in line 1, by striking all after "Supp."; in line 2, by striking "21-6302,"; also in line 2, by striking ", 21-6309," and inserting "and"; also in line 2, by striking "and 32-1002";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, by striking all after the semicolon; in line 8, by striking all before "authorizing"; in line 10, by striking "75-7c02,"; also in line 10, by striking ", 75-7c04," and inserting "and"; also in line 10, by striking all after "75-7c05"; in line 11, by striking all before the second "and"; also in line 11, by striking all after "Supp."; in line 12, by striking "6302,"; also in line 12, by striking ", 21-6309," and inserting "and"; also in line 12, by striking "and 32-1002"

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

On roll call, the vote was: Yeas 7; Nays 23; Present and Passing 2; Absent or Not Voting 8.

Yeas: Corson, Faust-Goudeau, Francisco, Holscher, Pettey, Sykes, Ware.

Nays: Alley, Baumgardner, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Masterson, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Steffen, Straub, Tyson, Warren, Wilborn.

Present and Passing: Haley, Holland.

Absent or Not Voting: Billinger, Doll, Hawk, Longbine, McGinn, O'Shea, Suellentrop, Thompson.

A motion by Senator Francisco to amend **HB 2058** failed and the following amendment was rejected: on page 4, in line 30, by striking "18" and inserting "19";

On page 26, in line 3, by striking "18" and inserting "19"

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

On roll call, the vote was: Yeas 8; Nays 22; Present and Passing 2; Absent or Not Voting 8.

Yeas: Corson, Faust-Goudeau, Francisco, Holscher, McGinn, Pettey, Sykes, Ware.

Nays: Alley, Baumgardner, Bowers, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Masterson, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Steffen, Straub, Tyson, Warren, Wilborn.

Present and Passing: Haley, Holland.

Absent or Not Voting: Billinger, Claeys, Doll, Hawk, Longbine, O'Shea, Suellentrop, Thompson.

#### EXPLANATION OF VOTE

Mr. President: I vote "AYE" on my amendment to increase the age both to possess a firearm with a barrel less than 12 inches long and to obtain a provisional license from no less than 18 years to no less than 19 years. Although I prefer the age be 21, I offered this amendment to decrease the likelihood that high school students socializing with their peers would be doing that with someone who has legal possession of a gun.—

MARCI FRANCISCO

A motion by Senator Holscher to amend **HB 2058** failed and the following amendment was rejected: on page 1, following line 19, by inserting:

"New Section 1. (a) The court shall issue an order requiring the defendant to relinquish all firearms in the defendant's custody, control or possession, and any concealed carry license issued to the defendant upon:

(1) The court's issuance of a qualifying protection order against such defendant; or  
(2) the conviction of the defendant for domestic battery as described in K.S.A. 2020 Supp. 21-5414, and amendments thereto, or any misdemeanor for a domestic violence offense as defined in K.S.A. 2020 Supp. 21-6301, and amendments thereto.

(b) A defendant subject to a relinquishment order issued pursuant to this section shall:

(1) Relinquish all firearms in the defendant's custody, control or possession to the sheriff of the county in which the court issuing such relinquishment order is located or to a licensed federal firearms dealer; and

(2) relinquish any concealed carry license issued to the defendant to the sheriff of the county in which the court issuing such relinquishment order is located.

(c) (1) If the defendant is physically present in court at the time a relinquishment order is entered against the defendant, the defendant shall comply with the provisions of subsection (b) within 24 hours after such relinquishment order is entered.

(2) If the defendant is not physically present in court at the time a relinquishment order is entered against the defendant, such order shall be personally served on the defendant by a law enforcement officer, or if personal service by a law enforcement officer is not possible, in accordance with K.S.A. 60-301 et seq., and amendments thereto.

(3) If the order is personally served on the defendant, the law enforcement officer serving such order shall require that the defendant immediately surrender all firearms in the defendant's custody, control or possession, and any concealed carry license issued to the defendant. The law enforcement officer shall conduct any search of the defendant permitted by law for such firearms or license. The law enforcement officer shall take possession of any such firearms and license that are relinquished, in plain sight or discovered pursuant to a lawful search.

(4) The defendant shall relinquish, in accordance with subsection (b), any firearms in the defendant's custody, control or possession, and any concealed carry license issued to the defendant that are not relinquished to or removed by a law enforcement officer at the time of service within 24 hours after service of the order.

(d) A law enforcement officer or licensed federal firearms dealer who takes possession of a firearm or concealed carry license pursuant to this section shall issue a proof of relinquishment or removal to the defendant. The proof of relinquishment or removal shall include:

- (1) The name of the defendant;
- (2) the date such firearm or concealed carry license was relinquished or removed;
- (3) the identification number of any relinquished or removed concealed carry license; and

- (4) the make, model and serial number of any relinquished or removed firearm.

(e) Within 48 hours after issuance of a relinquishment order pursuant to subsection (a), a defendant subject to such order shall:

- (1) File one or more proofs of relinquishment or removal showing that all firearms previously in the defendant's custody, control or possession, and any concealed carry license issued to the defendant, were relinquished or removed by a law enforcement officer pursuant to subsection (c), and attest to the court that the defendant does not currently have any firearms in the defendant's custody, control or possession, and does not currently possess a concealed carry license; or

- (2) attest to the court that:

- (A) At the time the relinquishment order was issued, the defendant did not have any firearms in the defendant's custody, control or possession, and did not possess any concealed carry license; and

- (B) the defendant does not currently have any firearms in the defendant's custody, control or possession, and does not currently possess a concealed carry license.

(f) If the defendant fails to file any proofs of relinquishment or removal or any attestations as required under subsection (e) after 48 hours from the issuance of a relinquishment order, the clerk of the court that issued such order shall notify the sheriff of the county in which the court is located that the defendant has failed to make any such filings with the court. Upon receipt of such notification, the sheriff shall make a good faith effort to determine whether there is evidence that the defendant has failed to relinquish any firearm in the defendant's custody, control or possession, or any concealed carry license issued to the defendant, as required under the relinquishment order.

(g) A relinquishment order shall be effective for either the duration of the qualifying protective order issued against the defendant, or for that period of time during which it is unlawful for the defendant to possess a firearm under K.S.A. 2020 Supp. 21-6301 or 21-6304, and amendments thereto.

(h) At any point while a relinquishment order is in effect, the plaintiff, the district attorney or county attorney, or a law enforcement officer may file an affidavit with the court that issued the order alleging that the defendant subject to such order has a firearm in the defendant's custody, control or possession, or possesses a concealed carry license. Upon the filing of such affidavit, the court shall determine whether probable cause exists to believe that the defendant has a firearm in the defendant's custody, control or possession or that the defendant possesses a concealed carry license. If the court finds that such probable cause exists, the court shall issue a search warrant for such firearm or concealed carry license in accordance with K.S.A. 22-2502, and amendments thereto.

(i) Except as provided in subsection (j), upon expiration or termination of a relinquishment order and at the request of the defendant, any items that were

relinquished or removed by the sheriff shall be returned to the defendant, provided the sheriff conducts a state and national criminal history records check that conforms to applicable federal standards, including an inquiry of the national instant criminal background check system and confirms that the defendant is not currently prohibited from possessing or receiving a firearm under state or federal law.

(j) A sheriff may dispose of any firearms relinquished by a defendant pursuant to a relinquishment order issued under subsection (a)(2) only after the defendant is notified of the pending disposal of any such firearm, and the proceeds from the disposal of any such firearm, less the cost to the sheriff for taking possession of, storing and disposing of any such firearm, shall be paid to the defendant.

(k) If a person other than a defendant claims title to a firearm relinquished to or removed by the sheriff, and such person is determined by the sheriff to be the lawful owner of such firearm, the sheriff shall return the firearm to the lawful owner if: (1) The lawful owner agrees to maintain, keep or store such firearm in a manner such that no person who is prohibited from possessing or receiving firearms under state or federal law shall have access to or control of such firearm; and (2) the sheriff conducts a state and national criminal history records check that conforms to applicable federal standards, including an inquiry of the national instant criminal background check system, to confirm that the lawful owner is not currently prohibited from possessing or receiving a firearm under state or federal law.

(l) As used in this section:

(1) "Concealed carry license" means a license to carry concealed handguns issued pursuant to the personal and family protection act, K.S.A. 75-7c01 et seq., and amendments thereto, or by any other jurisdiction.

(2) "Defendant" means:

(A) A person subject to a qualifying protection order; or

(B) a person convicted of domestic battery as described in K.S.A. 2020 Supp. 21-5414, and amendments thereto, or any misdemeanor for a domestic violence offense as defined in K.S.A. 2020 Supp. 21-6301, and amendments thereto.

(3) "Intimate partner" means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, an individual who cohabitates or has cohabitated with the person or an individual with whom the person is involved or has been involved in a dating relationship as defined in K.S.A. 2020 Supp. 21-5111, and amendments thereto.

(4) "Plaintiff" means a person who successfully petitions for a qualifying protection order.

(5) "Qualifying protection order" means an order issued under the protection from abuse act, K.S.A. 60-3101 et seq., and amendments thereto, or the protection from stalking, sexual assault or human trafficking act, K.S.A. 60-31a01 et seq., and amendments thereto, and that:

(A) Was issued after a hearing, of which the defendant received actual notice, and at which the defendant had an opportunity to participate;

(B) restrains the defendant from harassing, stalking or threatening an intimate partner of the defendant, or a child of the defendant or such intimate partner, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or the child; and

(C) (i) Includes a finding that the defendant represents a credible threat to the

physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

New Sec. 2. (a) It shall be unlawful for a person to possess a firearm or concealed carry license issued to such person while there is a relinquishment order issued pursuant to section 1, and amendments thereto, in effect against such person.

(b) Violation of this section is a severity level 8, nonperson felony.

(c) It is not a violation of this section if the person is possessing, carrying or otherwise transporting a firearm or a concealed carry license for the sole purpose of relinquishing such firearm or concealed carry license in accordance with section 1(b) or (c), and amendments thereto, if:

(1) The person is in possession of a written relinquishment order issued by a court and such order was issued within the previous 24 hours;

(2) any firearm being transported is unloaded; and

(3) the person transports the firearm or concealed carry license directly to the sheriff of the county in which the court that issued the relinquishment order is located, or, in the case of a firearm, directly to a licensed federal firearms dealer.

(d) As used in this section, the term "concealed carry license" means a license to carry concealed handguns issued pursuant to the personal and family protection act, K.S.A. 75-7c01 et seq., and amendments thereto, or by any other jurisdiction.

(e) The provisions of this section shall be a part of and supplemental to the Kansas criminal code.";

On page 23, following line 3, by inserting:

"Sec. 9. K.S.A. 2020 Supp. 22-3426 is hereby amended to read as follows: 22-3426. (a) When judgment is rendered or sentence of imprisonment is imposed, upon a plea or verdict of guilty, a record thereof shall be made upon the journal of the court, reflecting, if applicable, conviction or other judgment, the sentence if imposed, and the commitment, which record among other things shall contain a statement of the crime charged, and under what statute; the plea or verdict and the judgment rendered or sentence imposed, and under what statute, and a statement that the defendant was duly represented by counsel naming such counsel, or a statement that the defendant has stated on the record or in writing that the defendant did not want representation of counsel.

(b) If defendant is sentenced to the custody of the secretary of corrections the journal entry shall record, in a judgment form, if used, all the information required under K.S.A. 2020 Supp. 21-6711, and amendments thereto, unless such section is not applicable.

(c) It shall be the duty of the court personally to examine the journal entry and to sign the same.

(d) For felony convictions for crimes committed on or after July 1, 1993, in addition to the provisions of subsections (a) through (c), the journal entry shall contain the following information:

(1) Court case number;

(2) Kansas bureau of investigation number;

(3) case transaction number;

(4) court O.R.I. number;

- (5) the type of counsel;
- (6) type of trial, if any;
- (7) pretrial status of the offender;
- (8) the date of the sentencing hearing;
- (9) a listing of offenses for which the defendant is convicted;
- (10) the criminal history classification;
- (11) the sentence imposed for each offense including postrelease or probation supervision durations;
- (12) whether the sentences run concurrently or consecutively;
- (13) amount of credit for time spent incarcerated;
- (14) period ordered in county jail as a condition of probation;
- (15) a listing of offenses in which a departure sentence is imposed;
- (16) type of departure sentence; and
- (17) factors cited as a basis for departure sentence.

The journal entry shall be recorded on a form approved by the Kansas sentencing commission.

(e) For convictions of domestic battery as described in K.S.A. 2020 Supp. 21-5414, and amendments thereto, and any misdemeanor for a domestic violence offense as defined in K.S.A. 2020 Supp. 21-6301, and amendments thereto, in addition to the provisions of subsections (a) through (d), the court shall issue a relinquishment order against the defendant pursuant to section 1, and amendments thereto.";

On page 24, following line 15, by inserting:

"Sec. 11. K.S.A. 2020 Supp. 60-3107 is hereby amended to read as follows: 60-3107. (a) The court may approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children or grant any of the following orders:

(1) Restraining the defendant from abusing, molesting or interfering with the privacy or rights of the plaintiff or of any minor children of the parties. Such order shall contain a statement that if such order is violated, such violation may constitute assault as defined in ~~subsection (a) of~~ K.S.A. 2020 Supp. 21-5412(a), and amendments thereto, battery as defined in ~~subsection (a) of~~ K.S.A. 2020 Supp. 21-5413(a), and amendments thereto, domestic battery as defined in K.S.A. 2020 Supp. 21-5414, and amendments thereto, and violation of a protective order as defined in K.S.A. 2020 Supp. 21-5924, and amendments thereto.

(2) Granting possession of the residence or household to the plaintiff to the exclusion of the defendant, and further restraining the defendant from entering or remaining upon or in such residence or household, subject to the limitation of subsection (d). Such order shall contain a statement that if such order is violated, such violation shall constitute criminal trespass as defined in ~~subsection (a)(1)(C) of~~ K.S.A. 2020 Supp. 21-5808(a)(1)(C), and amendments thereto, and violation of a protective order as defined in K.S.A. 2020 Supp. 21-5924, and amendments thereto. The court may grant an order, which shall expire 60 days following the date of issuance, restraining the defendant from cancelling utility service to the residence or household.

(3) Requiring defendant to provide suitable, alternate housing for the plaintiff and any minor children of the parties.

(4) Awarding temporary custody and residency and establishing temporary parenting time with regard to minor children.

(5) Ordering a law enforcement officer to evict the defendant from the residence or

household.

(6) Ordering support payments by a party for the support of a party's minor child, if the party is the father or mother of the child, or the plaintiff, if the plaintiff is married to the defendant. Such support orders shall remain in effect until modified or dismissed by the court or until expiration and shall be for a fixed period of time not to exceed one year. On the motion of the plaintiff, the court may extend the effect of such order for 12 months.

(7) Awarding costs and attorney fees to either party.

(8) Making provision for the possession of personal property of the parties and ordering a law enforcement officer to assist in securing possession of that property, if necessary.

(9) Requiring any person against whom an order is issued to seek counseling to aid in the cessation of abuse.

(10) Ordering or restraining any other acts deemed necessary to promote the safety of the plaintiff or of any minor children of the parties.

(b) No protection from abuse order shall be entered against the plaintiff unless:

(1) The defendant properly files a written cross or counter petition seeking such a protection order;

(2) the plaintiff had reasonable notice of the written cross or counter petition by personal service as provided in ~~subsection (d)~~ of K.S.A. 60-3104(d), and amendments thereto; and

(3) the issuing court made specific findings of abuse against both the plaintiff and the defendant and determined that both parties acted primarily as aggressors and neither party acted primarily in self-defense.

(c) Any order entered under the protection from abuse act shall not be subject to modification on ex parte application or on motion for temporary orders in any action filed pursuant to K.S.A. 60-1601 et seq., prior to their transfer or repeal, or article 22 or 27 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 38-1101 et seq., and amendments thereto. Orders previously issued in an action filed pursuant to K.S.A. 60-1601 et seq., prior to their transfer or repeal, or article 22 or 27 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 38-1101 et seq., and amendments thereto, shall be subject to modification under the protection from abuse act only as to those matters subject to modification by the terms of K.S.A. 2020 Supp. 23-3201 through 23-3207 and 23-3218 and article 27 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, and on sworn testimony to support a showing of good cause. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause. If an action is filed pursuant to K.S.A. 2020 Supp. 23-3201 through 23-3207 or 23-3218 or article 22 or 27 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, during the pendency of a proceeding filed under the protection from abuse act or while an order issued under the protection from abuse act is in effect, the court, on final hearing or on agreement of the parties, may issue final orders authorized by K.S.A. 2020 Supp. 23-3201 through 23-3207 and 23-3218 and articles 22 and 27 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, that are inconsistent with orders entered under the protection from abuse act. Any inconsistent order entered pursuant to this subsection shall be specific in its terms, reference the protection from abuse order and parts thereof being modified and a copy thereof shall be filed in both actions. The court shall

consider whether the actions should be consolidated in accordance with K.S.A. 60-242, and amendments thereto. Any custody or parenting time order, or order relating to the best interests of a child, issued pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code, shall be binding and shall take precedence over any such custody or parenting order involving the same child issued under the protection from abuse act, until jurisdiction under the revised Kansas code for care of children or the revised Kansas juvenile justice code is terminated. Any inconsistent custody or parenting order issued in the revised Kansas code for care of children case or the revised Kansas juvenile justice code case shall be specific in its terms, reference any preexisting protection from abuse order and the custody being modified, and a copy of such order shall be filed in the preexisting protection from abuse case.

(d) If the parties to an action under the protection from abuse act are not married to each other and one party owns the residence or household, the court shall not have the authority to grant possession of the residence or household under subsection (a)(2) to the exclusion of the party who owns it.

(e) Subject to the provisions of subsections (b), (c) and (d), a protective order or approved consent agreement shall remain in effect until modified or dismissed by the court and shall be for a fixed period of time not to exceed one year, except as provided in subsection (e)(1) and (e)(2).

(1) Upon motion of the plaintiff, such period may be extended for one additional year.

(2) Upon verified motion of the plaintiff and after the defendant has been personally served with a copy of the motion and has had an opportunity to present evidence and cross-examine witnesses at a hearing on the motion, if the court determines by a preponderance of the evidence that the defendant has violated a valid protection order; or (A) has previously violated a valid protection order; or (B) has been convicted of a person felony or any conspiracy, criminal solicitation or attempt thereof, under the laws of Kansas or the laws of any other jurisdiction which are substantially similar to such person felony, committed against the plaintiff or any member of the plaintiff's household, the court shall extend a protective order for not less than two additional years and may extend the protective order up to the lifetime of the defendant. No service fee shall be required for a motion filed pursuant to this subsection.

(f) The court may amend its order or agreement at any time upon motion filed by either party.

(g) No order or agreement under the protection from abuse act shall in any manner affect title to any real property.

(h) If a person enters or remains on premises or property violating an order issued pursuant to subsection (a)(2), such violation shall constitute criminal trespass as defined in ~~subsection (a)(1)(C) of~~ K.S.A. 2020 Supp. 21-5808(a)(1)(C), and amendments thereto, and violation of a protective order as defined in K.S.A. 2020 Supp. 21-5924, and amendments thereto. If a person abuses, molests or interferes with the privacy or rights of another violating an order issued pursuant to subsection (a)(1), such violation may constitute assault as defined in ~~subsection (a) of~~ K.S.A. 2020 Supp. 21-5412(a), and amendments thereto, battery as defined in ~~subsection (a) of~~ K.S.A. 2020 Supp. 21-5413(a), and amendments thereto, domestic battery as defined in K.S.A. 2020 Supp. 21-5414, and amendments thereto, and violation of a protective order as defined in K.S.A.

2020 Supp. 21-5924, and amendments thereto.

(i) (1) Upon the issuance of a qualifying protection from abuse order against a defendant, the court shall issue a relinquishment order against such defendant pursuant to section 1, and amendments thereto.

(2) As used in this subsection, the term "qualifying protection from abuse order" means a protection from abuse order that:

(A) Was issued after a hearing, of which the defendant received actual notice and at which the defendant had an opportunity to participate;

(B) restrains the defendant from harassing, stalking or threatening an intimate partner of the defendant, or a child of the defendant or such intimate partner, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or the child; and

(C) (i) includes a finding that the defendant represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

Sec. 12. K.S.A. 2020 Supp. 60-31a06 is hereby amended to read as follows: 60-31a06. (a) The court may issue a protection from stalking, sexual assault or human trafficking order granting any one or more of the following orders:

(1) Restraining the defendant from following, harassing, telephoning, contacting or otherwise communicating with the victim. The order shall contain a statement that, if the order is violated, the violation may constitute stalking as defined in K.S.A. 2020 Supp. 21-5427, and amendments thereto, and violation of a protective order as defined in K.S.A. 2020 Supp. 21-5924, and amendments thereto.

(2) Restraining the defendant from abusing, molesting or interfering with the privacy rights of the victim. The order shall contain a statement that, if the order is violated, the violation may constitute stalking as defined in K.S.A. 2020 Supp. 21-5427, and amendments thereto, assault as defined in K.S.A. 2020 Supp. 21-5412(a), and amendments thereto, battery as defined in K.S.A. 2020 Supp. 21-5413(a), and amendments thereto, and violation of a protective order as defined in K.S.A. 2020 Supp. 21-5924, and amendments thereto.

(3) Restraining the defendant from entering upon or in the victim's residence or the immediate vicinity thereof. The order shall contain a statement that, if the order is violated, the violation shall constitute criminal trespass as defined in K.S.A. 2020 Supp. 21-5808(a)(1)(C), and amendments thereto, and violation of a protective order as defined in K.S.A. 2020 Supp. 21-5924, and amendments thereto.

(4) Restraining the defendant from committing or attempting to commit a sexual assault upon the victim. The order shall contain a statement that, if the order is violated, the violation shall constitute violation of a protective order as defined in K.S.A. 2020 Supp. 21-5924, and amendments thereto. The order shall also contain a statement that, if the order is violated, the violation may constitute a sex offense under article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, and the accused may be prosecuted, convicted of and punished for such sex offense.

(5) Restraining the defendant from following, harassing, telephoning, contacting, recruiting, harboring, transporting, or committing or attempting to commit human trafficking upon the human trafficking victim, or otherwise communicating with the

human trafficking victim. The order shall contain a statement that, if the order is violated, the violation shall constitute violation of a protective order as defined in K.S.A. 2020 Supp. 21-5924, and amendments thereto. The order shall also contain a statement that, if the order is violated, the violation may constitute an offense under chapter 21 of the Kansas Statutes Annotated, and amendments thereto, and the accused may be prosecuted, convicted of and punished for such offense.

(6) Any other order deemed necessary by the court to carry out the provisions of this act.

(b) A protection from stalking, sexual abuse or human trafficking order shall remain in effect until modified or dismissed by the court and shall be for a fixed period of time not to exceed one year except as provided in subsections (c) and (d).

(c) Upon motion of the plaintiff the court may extend the order for an additional year.

(d) Upon verified motion of the plaintiff and after the defendant has been personally served with a copy of the motion and has had an opportunity to present evidence and cross-examine witnesses at a hearing on the motion, the court shall extend a protective order for not less than two additional years and up to a period of time not to exceed the lifetime of the defendant, if the court determines by a preponderance of the evidence that the defendant has:

- (1) Violated a valid protection order;
- (2) previously violated a valid protection order; or
- (3) been convicted of a person felony or any conspiracy, criminal solicitation or attempt thereof, under the laws of Kansas or the laws of any other jurisdiction which are substantially similar to such person felony, committed against the plaintiff or any member of the plaintiff's household.

No service fee shall be required for a motion filed pursuant to this subsection.

(e) The court may amend its order at any time upon motion filed by either party.

(f) The court shall assess costs against the defendant and may award attorney fees to the victim in any case in which the court issues a protection from stalking, sexual assault or human trafficking order pursuant to this act. The court may award attorney fees to the defendant in any case where the court finds that the petition to seek relief pursuant to this act is without merit.

(g) A no contact or restraining provision in a protective order issued pursuant to this section shall not be construed to prevent:

- (1) Contact between the attorneys representing the parties;
- (2) a party from appearing at a scheduled court or administrative hearing; or
- (3) a defendant or defendant's attorney from sending the plaintiff copies of any legal pleadings filed in court relating to civil or criminal matters presently relevant to the plaintiff.

(h) (1) Upon the issuance of a qualifying protection from stalking, sexual assault or human trafficking order against a defendant, the court shall issue a relinquishment order against such defendant pursuant to section 1, and amendments thereto.

(2) As used in this subsection:

(A) "Intimate partner" means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person or an individual who cohabitates or has cohabitated with the person.

(B) "Qualifying protection from stalking, sexual assault or human trafficking order"

means a protection from stalking, sexual assault or human trafficking order that:

(i) Was issued after a hearing, of which the defendant received actual notice and at which the defendant had an opportunity to participate;

(ii) restrains the defendant from harassing, stalking or threatening an intimate partner of the defendant, or a child of the defendant or such intimate partner, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or the child; and

(iii) (a) includes a finding that the defendant represents a credible threat to the physical safety of such intimate partner or child; or

(b) by its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.";

On page 32, in line 2, by striking "and" and inserting ", 22-3426, "; also in line 2, after "32-1002" by inserting ", 60-3107 and 60-31a06";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, before "reducing" by inserting "requiring relinquishment of firearms pursuant to certain protection orders;"; in line 12, by striking the first "and" and inserting ", 22-3426, "; also in line 12, after "32-1002" by inserting ", 60-3107 and 60-31a06"

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

On roll call, the vote was: Yeas 9; Nays 22; Present and Passing 1; Absent or Not Voting 8.

Yeas: Corson, Dietrich, Faust-Goudeau, Francisco, Haley, Holscher, Pettey, Sykes, Ware.

Nays: Alley, Baumgardner, Bowers, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Masterson, McGinn, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Steffen, Straub, Tyson, Warren, Wilborn.

Present and Passing: Holland.

Absent or Not Voting: Billinger, Claeys, Doll, Hawk, Longbine, O'Shea, Suellentrop, Thompson.

An amendment was offered by Senator Haley. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

## MESSAGE FROM THE HOUSE

The House nonconcurrs in Senate amendments to **HB 2114**, requests a conference and has appointed Representatives Concannon, Esau and Ousley as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2244**, requests a conference and has appointed Representatives Rahjes, Smith, E. and Carlin as conferees on the part of the House.

The House adopts the Conference Committee report on **SB 103**.

The House adopts the Conference Committee report on **SB 106**.

The House adopts the Conference Committee report on **SB 107**.

The House adopts the Conference Committee report on **SB 122**.

The House announced the appointment of Representatives Kelly, Hoheisel and Xu as conferees on **SB 86** to replace Representatives S. Johnson, Croft and Neighbor.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 175** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

KRISTEY WILLIAMS

KYLE HOFFMAN

*Conferees on part of House*

MOLLY BAUMGARDNER

RENEE ERICKSON

*Conferees on part of Senate*

On motion of Senator Baumgardner the Senate adopted the conference committee report on **SB 175**, and requested a new conference be appointed.

The President appointed Senators Baumgardner, Erickson and Sykes as a second Conference Committee on the part of the Senate on **SB 175**.

**ORIGINAL MOTION**

On motion of Senator Hilderbrand, the Senate acceded to the request of the House for a conference on **HB 2114**.

The President appointed Senators Hilderbrand, Gossage and Pettey as conferees on the part of the Senate.

On motion of Senator Kerschen, the Senate acceded to the request of the House for a conference on **HB 2244**.

The President appointed Senators Kerschen, Straub and Ware as conferees on the part of the Senate.

**REPORT ON ENROLLED BILLS**

**SB 50, SB 65, SB 66, SB 90** reported correctly enrolled, properly signed and presented to the Governor on April 6, 2021.

On motion of Senator Alley, the Senate adjourned until 10:00 a.m., Thursday, April 8, 2021.

# Journal of the Senate

FIFTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, April 8, 2021, 10:00 a.m.

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

Never, Never, Never Stop Praying!  
1 Thessalonians 4:17

Heavenly Father, thank You for the blessed privilege of prayer! For prayer is the opportunity You give us to connect with You. And as Your children, to get guidance from You, in 1 Thessalonians 4:17, You ask us to pray without ceasing, to pray continually.

Lord, we are such forgetful people. We spend a couple of minutes in some routine prayers. And as soon as the minute or two is over, we're done. And we turn our attention toward areas of concern, where Your guidance is really essential for making the right decisions. But where's the prayer?

So, Lord, when the few moments of this prayer are behind us, remind us to stay dialed in to You. Remind us to keep our antennae up and tuned to Your frequency. As we hear all the various voices trying to get our ear, the main voice we need to hear is Yours.

I pray Lord, that in the Name of Jesus, we never, never, never stop praying! Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 312**, AN ACT concerning elections; relating to bond law elections; time of election after notice; county election commissioners; eliminating the county residence requirement; county elections; ballots received by mail; obtaining missing signatures; repealing certain obsolete sections relating to the presidential preference primary; election-related contribution restrictions for certain corporations and stockholders; amending K.S.A. 10-120, 19-3419 and 19-3422 and K.S.A. 2020 Supp. 25-433 and repealing the existing sections; also repealing K.S.A. 25-222, 25-1709, 25-1710, 25-4506, 25-4507 and 25-4508 and K.S.A. 2020 Supp. 25-4502, 25-4503 and 25-4505, by Committee on Federal and State Affairs.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 311**.

Federal and State Affairs: **SB 310**.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senator Holland introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1719—

A RESOLUTION congratulating and commending the Baldwin City High School girls wrestling team for winning the 2021 Kansas State High School Activities Association Division II State Wrestling Championship.

WHEREAS, On February 26, 2021, the Baldwin City High School Bulldogs competed in the Kansas State High School Activities Association (KSHSAA) Division II State Wrestling Championship; and

WHEREAS, Members of the team include Carly Armbrister, Allee Darnell, Audrey Darnell, Willow Dubois, Kaysha Florance, Halley Flory, Maris Flory, Taylor Flory, Tabi Gibeaut, Emma Grossoehme, Madi Hargett, Daniela Kozacova, Brianna Mitchell, Jalynn Murry, Nora Prather, Jasmine Renyer, Elee Reynolds and Hayleigh Wempe; and

WHEREAS, Led by Head Coach Kit Harris, the Bulldogs emerged victorious and claimed the KSHSAA Division II State Championship; and

WHEREAS, On their way to a championship season, the team also earned district, regional and sub-state championships; and

WHEREAS, Ending the season with an 8-1 record, the team had six girls who qualified for the state championship and four girls who individually placed at the KSHSAA State Championship; and

WHEREAS, Head Coach Kit Harris became the first coach in Kansas to have won both a girls and a boys KSHSAA State Championship; and

WHEREAS, In 2021, Kit Harris was named the Girls Division II Head Coach of the Year by the Kansas Wrestling Coaches Association (KWCA); and

WHEREAS, Baldwin City High School Assistant Coaches Jesse Austin, Sarah Johnson and Jake Smith were named Assistant Coaches of the Year by the KWCA; and

WHEREAS, At the end of the team's season, the team had 11 All-Frontier League wrestlers, four Lawrence Journal-World All-Area wrestlers and four KWCA Academic All-State wrestlers; and

WHEREAS, The team members also received commendation for their success in the classroom, based on their combined grade point average, by being named First Team KWCA Academic All-State: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Baldwin City High School girls wrestling team for winning the 2021 Kansas State High School Activities Association Division II State Wrestling Championship; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1719** was adopted by voice vote.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2058**, AN ACT concerning crimes, punishment and criminal procedure; relating to firearms; reducing the underlying felonies for the crime of criminal possession of a weapon by a convicted felon; restoration of the right to possess firearms upon expungement of convictions; recognition of licenses under the personal and family protection act issued by other jurisdictions; {creating a provisional license for persons under the age of 21;} authorizing the issuance of alternative license during {certain circumstances}; amending K.S.A. {75-7c02,} 75-7c03 {, 75-7c04,} 75-7c05 {, 75-7c08 and 75-7c21} and K.S.A. 2020 Supp. {21-5914, 21-6301,} 21-6302 {, 21-6304, 21-6309, 21-6614 and 32-1002} and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 8; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Haley, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Hawk, Holscher, Pettey, Sykes, Ware.

Present and Passing: Holland, Suellentrop.

The bill passed, as amended.

**EXPLANATION OF VOTE**

Mr. Vice President: Kansans deserve to live in a state where it is safe to learn, love, and grow. With this bill, we're allowing teenagers to carry guns while they socialize with their unknowing peers, despite the fact that firearms are the second leading cause of death for children and teens in our state. We're advocating for abusers and stalkers who move from states with more lenient laws to carry weapons which they are statistically likely to use to kill their partners and victims. Though 69% of gun deaths in Kansas are suicides, we're not expanding mental health resources; we're making it easier for that rate to rise. Since our state began chipping away at commonsense regulation of dangerous weapons over a decade ago, the gun death rate has increased by 37%. Increasing this number further – as this bill will do – is unconscionable to me. I vote no.—DINAH SYKES

Senators Francisco, Holscher, Pettey and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **HB 2058**.

**Sub HB 2089**, AN ACT concerning education; relating to firearms; standardizing firearm safety education training programs in school districts; establishing the Roy/Ale act, was considered on final action.

On roll call, the vote was: Yeas 31; Nays 7; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Haley, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Francisco, Hawk, Holscher, Pettey, Sykes, Ware.

Present and Passing: Faust-Goudeau, Holland.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on **Substitute for House Bill 2089**. It is inappropriate: the legislature has the responsibility to fund education but it is up to the State Board of Education and local school boards to determine the curriculum. It displays our lack of expertise: the programs for grades one through five are based on curriculum guidelines designed for grades one through four. The programs for grades six through eight could only be that fourth-grade curriculum or a curriculum based on hunter education. It is not comprehensive: the Senate declined to specify inclusion of prevention related to firearms, firearm safes, and lock boxes. And it is audacious; along with prohibiting alternative gun safety curriculums, the bill, cited as the Roy' Ale Act, could prevent the Roy' Ale Foundation from providing their gun safety classes in public schools. Local school boards can currently adopt gun safety curriculums that meet their needs; it is our responsibility to allow them, as fellow elected officials, to be responsive to their constituents.—MARCI FRANCISCO

Senators Hawk, Holscher, Pettey, Sykes and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **S HB 2089**.

**S Sub HB 2138**, AN ACT concerning alcoholic beverages; providing for suspension or revocation of licenses for violations of orders issued by the director; specifying requirements for serving alcoholic liquor in pitchers; authorizing sales on Sunday and certain holidays; requiring issuance of a cereal malt beverage retailers' license to licensed producers; allowing the sale and removal of beer and cereal malt beverage in certain containers; amending K.S.A. 2020 Supp. 41-308, 41-320a, 41-712, 41-718, 41-2611, 41-2640, 41-2653, as amended by section 1 of 2021 Senate Bill No. 14, 41-2703, 41-2704 and 41-2911 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 33; Nays 6; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Ryckman, Steffen, Straub, Suellentrop, Sykes, Ware, Warren, Wilborn.

Nays: Baumgardner, Gossage, Peck, Pyle, Thompson, Tyson.

Present and Passing: Holland.

The substitute bill passed, as amended.

**HB 2224**, AN ACT concerning public health; relating to infectious disease testing; crimes in which bodily fluids may have been transmitted from one person to another; expanding the definition of infectious disease; amending K.S.A. 65-6009 and K.S.A. 2020 Supp. 65-6001 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes,

Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**HB 2401**, AN ACT concerning the department of corrections; authorizing the secretary of corrections to enter agreements for public-private partnerships for projects for new or renovated buildings at correctional institutions for education, skills-building and spiritual needs programs; establishing a nonprofit corporation to receive gifts, donations, grants and other moneys and engage in fundraising projects for funding such projects; amending K.S.A. 75-3739 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Straub, Suellentrop, Sykes, Ware, Warren, Wilborn.

Nays: Steffen, Thompson, Tyson.

The bill passed, as amended.

**HB 2405**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; authorizing the issuance of revenue bonds to finance the unfunded actuarial pension liability of KPERS; providing requirements, limitations and procedures for the Kansas development finance authority, department of administration and the state finance council pertaining to such bonds, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 8; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Ryckman, Suellentrop, Sykes, Ware, Warren, Wilborn.

Nays: Baumgardner, Hilderbrand, Peck, Pyle, Steffen, Straub, Thompson, Tyson.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: Our state retirees and taxpayers deserve better than this hedge fund style gambling that stands to potentially further destabilize KPERS.—MARK STEFFEN

**HB 2408**, AN ACT concerning the disposition of certain state real property; authorizing the state historical society to convey certain real property located in Doniphan county; imposing certain conditions; prescribing costs of conveyance, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 6; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Ryckman, Suellentrop, Sykes, Ware, Wilborn.

Nays: McGinn, Peck, Steffen, Straub, Thompson, Tyson.  
 Present and Passing: Baumgardner, Warren.  
 The bill passed.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 103** submits the following report:

The House recesses from all of its amendments to the bill.

FRED PATTON  
 BRADLEY RALPH  
 JOHN CARMICHAEL  
*Conferees on part of House*

KELLIE WARREN  
 RICK WILBORN  
 DAVID HALEY  
*Conferees on part of Senate*

Senator Warren moved the Senate adopt the Conference Committee Report on **SB 103**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 106** submits the following report:

The House recesses from all of its amendments to the bill.

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

FRED PATTON  
 BRADLEY RALPH  
 JOHN CARMICHAEL  
*Conferees on part of House*

KELLIE WARREN  
 RICK WILBORN  
 DAVID HALEY  
*Conferees on part of Senate*

Senator Warren moved the Senate adopt the Conference Committee Report on **SB 106**.

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

Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 107** submits the following report:

The House recesses from all of its amendments to the bill.

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

FRED PATTON

BRADLEY RALPH

JOHN CARMICHAEL

*Conferees on part of House*

KELLIE WARREN

RICK WILBORN

DAVID HALEY

*Conferees on part of Senate*

Senator Warren moved the Senate adopt the Conference Committee Report on **SB 107**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 122** submits the following report:

The House recesses from all of its amendments to the bill.

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

FRED PATTON

BRADLEY RALPH

JOHN CARMICHAEL

*Conferees on part of House*

KELLIE WARREN  
 RICK WILBORN  
 DAVID HALEY

*Conferees on part of Senate*

Senator Warren moved the Senate adopt the Conference Committee Report on **SB 122**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Hilderbrand, Olson, Pyle.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **Sub HB 2066** submits the following report:

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

On page 2, in line 42, by striking "may" and inserting "shall";

On page 9, in line 21, by striking "Kansas register" and inserting "statute book";

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

LARRY ALLEY  
 RICHARD HILDERBRAND  
 OLETHA FAUST-GOUDEAU

*Conferees on part of Senate*

SEAN TARWATER  
 CHRIS CROFT  
 STEPHANIE CLAYTON

*Conferees on part of House*

Senator Alley moved the Senate adopt the Conference Committee Report on **Sub HB 2066**.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Hawk, Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Warren, Wilborn.

Nays: Francisco, Haley, Holland, Ware.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2243** submits the following report:

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

On page 3, following line 20, by inserting:

"Sec. 3. K.S.A. 74-4927 is hereby amended to read as follows: 74-4927. (1) The board may establish a plan of death and long-term disability benefits to be paid to the members of the retirement system as provided by this section. The long-term disability benefit shall be payable in accordance with the terms of such plan as established by the board, except that for any member who is disabled prior to the effective date of this act, the annual disability benefit amount shall be an amount equal to  $66\frac{2}{3}\%$  of the member's annual rate of compensation on the date such disability commenced. Such plan shall provide that:

(A) The right to receive such long-term disability benefit shall cease: (i) For a member who becomes eligible for such benefit before attaining age 60, upon the date that such member attains age 65 or the date of such member's retirement, whichever first occurs; and (ii) for a member who becomes eligible for such benefit at or after attaining age 60, the date that such member has received such benefit for a period of five years, or upon the date of such member's retirement, whichever first occurs.

(B) Long-term disability benefit payments shall be in lieu of any accidental total disability benefit that a member may be eligible to receive under K.S.A. 74-4916(3), and amendments thereto. The member must make an initial application for social security disability benefits and, if denied such benefits, the member must pursue and exhaust all administrative remedies of the social security administration—~~which that~~ include, but are not limited to, reconsideration and hearings. Such plan may provide that any amount—~~which that~~ a member receives as a social security benefit or a disability benefit or compensation from any source by reason of any employment including, but not limited to, workers compensation benefits may be deducted from the amount of long-term disability benefit payments under such plan. However, in no event shall the amount of long-term disability benefit payments under such plan be reduced by any amounts a member receives as a supplemental disability benefit or compensation from any source by reason of the member's employment, provided such supplemental disability benefit or compensation is based solely upon the portion of the member's monthly compensation that exceeds the maximum monthly compensation taken into account under such plan. As used in this paragraph, "maximum monthly compensation" means the dollar amount that results from dividing the maximum monthly disability benefit payable under such plan by the percentage of compensation that is used to calculate disability benefit payments under such plan. During the period in which such member is pursuing such administrative remedies prior to a final decision of the social security administration, social security disability benefits may be estimated and may be deducted from the amount of long-term disability benefit payments under such plan. If the social security benefit, workers compensation benefit, other income or wages or other disability benefit by reason of employment other than a supplemental benefit based solely on compensation in excess of the maximum monthly compensation taken into account under such plan, or any part thereof, is paid in a lump-sum, the amount of

the reduction shall be calculated on a monthly basis over the period of time for which the lump-sum is given. As used in this section, "workers compensation benefits" means the total award of disability benefit payments under the workers compensation act notwithstanding any payment of attorney fees from such benefits as provided in the workers compensation act.

(C) The plan may include other provisions relating to: Qualifications for benefits; schedules and graduation of benefits; limitations of eligibility for benefits by reason of termination of employment or membership; conversion privileges; limitations of eligibility for benefits by reason of leaves of absence, military service or other interruptions in service; limitations on the condition of long-term disability benefit payment by reason of improved health; requirements for medical examinations or reports; or any other reasonable provisions as established by rule and regulation of uniform application adopted by the board.

(D) Any visually impaired person who is in training at and employed by a sheltered workshop for the blind operated by the secretary for children and families and who would otherwise be eligible for the long-term disability benefit as described in this section shall not be eligible to receive such benefit due to visual impairment as such impairment shall be determined to be a preexisting condition.

(2) (A) In the event that a member becomes eligible for a long-term disability benefit under the plan authorized by this section such member shall be given participating service credit for the entire period of such disability. Such member's final average salary shall be computed in accordance with K.S.A. 74-4902(17), and amendments thereto, except that the years of participating service used in such computation shall be the years of salaried participating service.

(B) In the event that a member eligible for a long-term disability benefit under the plan authorized by this section shall be disabled for a period of five years or more immediately preceding retirement, such member's final average salary shall be adjusted upon retirement by the actuarial salary assumption rates in existence during such period of disability. Effective July 1, 1998, such member's final average salary shall be adjusted upon retirement by an amount equal to the lesser of: (i) The percentage increase in the consumer price index for all urban consumers as published by the bureau of labor statistics of the United States department of labor minus 1%; or (ii) four percent per annum, measured from the member's last day on the payroll to the month that is two months prior to the month of retirement, for each year of disability after July 1, 1998.

(C) In the event that a member eligible for a long-term disability benefit under the plan authorized by this section shall be disabled for a period of five years or more immediately preceding death, such member's current annual rate shall be adjusted by the actuarial salary assumption rates in existence during such period of disability. Effective July 1, 1998, such member's current annual rate shall be adjusted upon death by an amount equal to the lesser of: (i) The percentage increase in the consumer price index for all urban consumers published by the bureau of labor statistics of the United States department of labor minus 1%; or (ii) ~~four percent~~ 4% per annum, measured from the member's last day on the payroll to the month that is two months prior to the month of death, for each year of disability after July 1, 1998.

(3) (A) To carry out the legislative intent to provide, within the funds made available therefor, the broadest possible coverage for members who are in active employment or involuntarily absent from such active employment, the plan of death and

long-term disability benefits shall be subject to adjustment from time to time by the board within the limitations of this section. The plan may include terms and provisions ~~which that~~ are consistent with the terms and provisions of group life and long-term disability policies usually issued to those employers who employ a large number of employees. The board shall have the authority to establish and adjust from time to time the procedures for financing and administering the plan of death and long-term disability benefits authorized by this section. Either the insured death benefit or the insured disability benefit or both such benefits may be financed directly by the system or by one or more insurance companies authorized and licensed to transact group life and group accident and health insurance in this state.

(B) The board may contract with one or more insurance companies, which are authorized and licensed to transact group life and group accident and health insurance in Kansas, to underwrite or to administer or to both underwrite and administer either the insured death benefit or the long-term disability benefit or both such benefits. Each such contract with an insurance company under this subsection shall be entered into on the basis of competitive bids solicited and administered by the board. Such competitive bids shall be based on specifications prepared by the board.

(i) In the event the board purchases one or more policies of group insurance from such company or companies to provide either the insured death benefit or the long-term disability benefit or both such benefits, the board shall have the authority to subsequently cancel one or more of such policies and, notwithstanding any other provision of law, to release each company ~~which that~~ issued any such canceled policy from any liability for future benefits under any such policy and to have the reserves established by such company under any such canceled policy returned to the system for deposit in the group insurance reserve of the fund.

(ii) In addition, the board shall have the authority to cancel any policy or policies of group life and long-term disability insurance in existence on the effective date of this act and, notwithstanding any other provision of law, to release each company ~~which that~~ issued any such canceled policy from any liability for future benefits under any such policy and to have the reserves established by such company under any such canceled policy returned to the system for deposit in the group insurance reserve of the fund. Notwithstanding any other provision of law, no premium tax shall be due or payable by any such company or companies on any such policy or policies purchased by the board nor shall any brokerage fees or commissions be paid thereon.

(4) (A) There is hereby created in the state treasury the group insurance reserve fund. Investment income of the fund shall be added or credited to the fund as provided by law. The cost of the plan of death and long-term disability benefits shall be paid from the group insurance reserve fund, which shall be administered by the board. Each participating employer shall appropriate and pay to the system in such manner as the board shall prescribe in addition to the employee and employer retirement contributions an amount equal to 1.0% of the amount of compensation on which the members' contributions to the Kansas public employees retirement system are based for deposit in the group insurance reserve fund. Notwithstanding the provisions of this subsection, no participating employer other than the state of Kansas shall appropriate and pay to the system any amount provided for by this subsection for deposit in the group insurance reserve fund for the period commencing on ~~April 1, 2016~~ July 1, 2021, and ending on ~~June 30, 2017~~ 2022. Notwithstanding the provisions of this subsection, the state of

Kansas shall not appropriate and pay to the system any amount provided for by this subsection for deposit in the group insurance reserve fund for the period commencing on ~~March 25, 2016~~ July 1, 2020, and ending on June 30, ~~2017~~ 2021.

(B) The director of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services a sum to pay the state's contribution to the group insurance reserve fund as provided by this section and shall present the same to the legislature for allowances and appropriation.

(C) The provisions of K.S.A. 74-4920(4), and amendments thereto, shall apply for the purpose of providing the funds to make the contributions to be deposited to the group insurance reserve fund.

(D) Any dividend or retrospective rate credit allowed by an insurance company or companies shall be credited to the group insurance reserve fund and the board may take such amounts into consideration in determining the amounts of the benefits under the plan authorized by this section.

(5) The death benefit provided under the plan of death and long-term disability benefits authorized by this section shall be known and referred to as insured death benefit. The long-term disability benefit provided under the plan of death and long-term disability benefits authorized by this section shall be known and referred to as long-term disability benefit.

(6) The board is hereby authorized to establish an optional death benefit plan for employees and spouses and dependents of employees. Except as provided in subsection (7), such optional death benefit plan shall be made available to all employees who are covered or may hereafter become covered by the plan of death and long-term disability benefits authorized by this section. The cost of the optional death benefit plan shall be paid by the applicant either by means of a system of payroll deductions or direct payment to the board. The board shall have the authority and discretion to establish such terms, conditions, specifications and coverages as it may deem to be in the best interest of the state of Kansas and its employees—~~which that~~ should include term death benefits for the person's period of active state employment regardless of age, but in no case, shall the maximum allowable coverage be less than \$200,000. The cost of the optional death benefit plan shall not be established on such a basis as to unreasonably discriminate against any particular age group. The board shall have full administrative responsibility, discretion and authority to establish and continue such optional death benefit plan and the director of accounts and reports of the department of administration shall when requested by the board and from funds appropriated or available for such purpose establish a system to make periodic deductions from state payrolls to cover the cost of the optional death benefit plan coverage under the provisions of this subsection ~~(6)~~ and shall remit all deductions together with appropriate accounting reports to the system. There is hereby created in the state treasury the optional death benefit plan reserve fund. Investment income of the fund shall be added or credited to the fund as provided by law. All funds received by the board, whether in the form of direct payments, payroll deductions or otherwise, shall be accounted for separately from all other funds of the retirement system and shall be paid into the optional death benefit plan reserve fund, from which the board is authorized to make the appropriate payments and to pay the ongoing costs of administration of such optional death benefit plan as may be incurred in carrying out the provisions of this subsection ~~(6)~~.

(7) Any employer other than the state of Kansas—~~which that~~ is currently a

participating employer of the Kansas public employees retirement system or is in the process of affiliating with the Kansas public employees retirement system may also elect to affiliate for the purposes of subsection (6). All such employers shall make application for affiliation with such system, to be effective on January 1 or July 1 next following application.

(8) For purposes of the death benefit provided under the plan of death and long-term disability benefits authorized by this section and the optional death benefit plan authorized by subsection (6), commencing on the effective date of this act, in the case of medical or financial hardship of the member as determined by the executive director, or otherwise commencing January 1, 2005, the member may name a beneficiary or beneficiaries other than the beneficiary or beneficiaries named by the member to receive other benefits as provided by the provisions of K.S.A. 74-4901 et seq., and amendments thereto.

Sec. 4. K.S.A. 2020 Supp. 74-4986l is hereby amended to read as follows: 74-4986l. (a) As used in this act, unless otherwise provided or the context otherwise requires:

- (1) "Act" means the Kansas deferred retirement option program act;
  - (2) "board" means the board of trustees of the Kansas public employees retirement system;
  - (3) "DROP" means the deferred retirement option program established by K.S.A. 74-4986m, and amendments thereto;
  - (4) "DROP account" means the notional account to which is credited the monthly DROP accrual;
  - (5) "DROP period" means the period of time that a member ~~irrevocably~~ elects to participate in the DROP pursuant to K.S.A. 74-4986n, and amendments thereto;
  - (6) "member" means a trooper, examiner or officer of the Kansas highway patrol or an agent of the Kansas bureau of investigation who is eligible to participate in the DROP and who elects to participate in the DROP as provided in this act;
  - (7) "monthly DROP accrual" means the amount equal to the monthly retirement benefit that would have been payable to the member had the member terminated service and retired on the day the member elected; and
  - (8) "system" means the Kansas police and firemen's retirement system.
- (b) Unless specifically provided in this section or in this act, words and phrases used in this act ~~shall have the meanings ascribed to them~~ mean the same as provided under the provisions of K.S.A. 74-4901 et seq. and ~~K.S.A. 74-4951 et seq.~~, and amendments thereto.

Sec. 5. K.S.A. 74-4986n is hereby amended to read as follows: 74-4986n. (a) (1) A member who is appointed or employed prior to July 1, 1989, and who did not make an election pursuant to K.S.A. 74-4955a, and amendments thereto, may elect to participate in the DROP by making application in such form prescribed by the system at the attainment of age 55 and the completion of 20 years of credited service or at the completion of 32 years of credited service regardless of the age of such member.

(2) A member who is appointed or employed on or after July 1, 1989, or who made an election pursuant to K.S.A. 74-4955a, and amendments thereto, may elect to participate in the DROP by making application in such form prescribed by the system at the attainment of age 55 and the completion of 20 years of credited service, age 50 and the completion of 25 years of credited service or age 60 with the completion of 15 years

of credited service.

(b) A member shall indicate on the application the DROP period such member wishes to participate in the DROP. A member may elect to participate in the DROP for a minimum of three years and may not participate for more than five years from the effective date of the election to participate in the DROP. A member may participate in the DROP only once. ~~An election under this section is a one-time irrevocable election.~~ Once the application is accepted by the system, such member becomes a DROP participant. If a member fails to participate in the DROP for a minimum of three years, all of the member's interest credits shall be forfeited, unless such member retires due to disability as defined in K.S.A. 74-4952, and amendments thereto. A member who remains in active service at the expiration of the member's elected DROP period shall not be eligible for any additional interest credits. A member who first elected a DROP period of less than five years may extend, with the employer's authorization, such DROP period upon making application to the system. The total aggregate DROP period for a member shall be consecutive and shall not exceed five years from the effective date of the initial election to participate in the DROP.

(c) A member who makes an election under this section shall continue in the active service under the Kansas police and firemen's retirement system but shall not earn service credit under K.S.A. 74-4951 et seq., and amendments thereto, after the election's effective date. On and after the effective date of the member's election to participate, such member is ineligible to purchase service credit under K.S.A. 74-4901 et seq., and amendments thereto.

(d) Participation in the DROP by a member does not guarantee continued employment. During a member's participation in the DROP, employer contributions under K.S.A. 74-4967, and amendments thereto, and member contributions under K.S.A. 74-4965, and amendments thereto, shall be made to the retirement system. No member or employer contributions shall be applied to a member's DROP account.

Sec. 6. K.S.A. 74-49,123 is hereby amended to read as follows: 74-49,123. (a) This section applies to the Kansas public employees retirement system and to all other public retirement plans administered by the board of trustees.

(b) As used in this section:

(1) "Federal internal revenue code" means the federal internal revenue code of 1954 or 1986, as amended and as applicable to a governmental plan as in effect on July 1, 2008; and

(2) "retirement plan" includes the Kansas public employees retirement system and all other Kansas public retirement plans and benefit structures, which are administered by the board.

(c) In addition to the federal internal revenue code provisions otherwise noted in each retirement plan's law, and in order to satisfy the applicable requirements under the federal internal revenue code, the retirement plans shall be subject to the following provisions, notwithstanding any other provision of the retirement plan's law:

(1) The board shall distribute the corpus and income of the retirement plan to the members and their beneficiaries in accordance with the retirement plan's law. At no time prior to the satisfaction of all liabilities with respect to members and their beneficiaries shall any part of the corpus and income be used for, or diverted to, purposes other than the exclusive benefit of the members and their beneficiaries.

(2) Forfeitures arising from severance of employment, death or for any other reason

may not be applied to increase the benefits any member would otherwise receive under the retirement plan's law. However, forfeitures may be used to reduce an employer's contribution.

(3) All benefits paid from the retirement plan shall be distributed in accordance with a good faith interpretation of the requirements of section 401(a)(9) of the federal internal revenue code and the regulations under that section. Notwithstanding any other provision of these rules and regulations, effective on and after January 1, 2003, the retirement plan is subject to the following provisions:

(A) Benefits must begin by the required beginning date, which is the later of April 1 of the calendar year following the calendar year in which the member reaches ~~70<sup>1</sup>/<sub>2</sub>~~ 72 years of age, or 70<sup>1</sup>/<sub>2</sub> years of age if the member was born before July 1, 1949, or April 1 of the calendar year following the calendar year in which the member terminates employment. If a member fails to apply for retirement benefits by April 1 of the calendar year following the calendar year in which such member reaches ~~70<sup>1</sup>/<sub>2</sub>~~ 72 years of age, or 70<sup>1</sup>/<sub>2</sub> years of age if the member was born before July 1, 1949, or April 1 of the calendar year following the calendar year in which such member terminates employment, whichever is later, the board will begin distributing the benefit as required by this section.

(B) The member's entire interest must be distributed over the member's life or the lives of the member and a designated beneficiary, or over a period not extending beyond the life expectancy of the member or of the member and a designated beneficiary. Death benefits must be distributed in accordance with section 401(a)(9) of the federal internal revenue code, including the incidental death benefit requirement in section 401(a)(9)(G) of the federal internal revenue code, and the regulations implementing that section.

(C) The life expectancy of a member, the member's spouse or the member's beneficiary may not be recalculated after the initial determination for purposes of determining benefits.

(D) If a member dies after the required distribution of benefits has begun, the remaining portion of the member's interest must be distributed at least as rapidly as under the method of distribution before the member's death and no longer than the remaining period over which distributions commenced.

(E) If a member dies before required distribution of the member's benefits has begun, the member's entire interest must be either:

(i) In accordance with federal regulations, distributed over the life or life expectancy of the designated beneficiary, with the distributions beginning no later than December 31 of the calendar year immediately following the calendar year of the member's death; or

(ii) distributed by December 31 of the calendar year containing the fifth anniversary of the member's death.

(F) The amount of an annuity paid to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of the federal internal revenue code.

(G) The death and disability benefits provided by a retirement plan are limited by the incidental benefit rule set forth in section 401(a)(9)(G) of the federal internal revenue code and treasury regulation 1.401-1(b)(1)(i).

(4) Distributions from the retirement plans may be made only upon retirement, separation from service, disability or death.

(5) The board or its designee may not:

(A) Determine eligibility for benefits;

(B) compute rates of contribution; or

(C) compute benefits of members or beneficiaries, in a manner that discriminates in favor of members who are considered officers, supervisors or highly compensated, as prohibited under section 401(a)(4) of the federal internal revenue code.

(6) Subject to the provisions of this subsection, benefits paid from, and employee contributions made to, the retirement plans shall not exceed the maximum benefits and the maximum annual additions, respectively, permissible under section 415 of the federal internal revenue code.

(A) Before January 1, 1995, a member may not receive an annual benefit that exceeds the limits specified in section 415(b) of the federal internal revenue code, subject to the applicable adjustments in that section. Beginning January 1, 1995, a participant may not receive an annual benefit that exceeds the dollar amount specified in section 415(b)(1)(A) of the federal internal revenue code, subject to the applicable adjustments in section 415 of the federal internal revenue code.

(B) Notwithstanding any other provision of law to the contrary, the board may modify a request by a participant to make a contribution to the retirement plans if the amount of the contribution would exceed the limits under section 415(c) or 415(n) of the federal internal revenue code subject to the following:

(i) Where the retirement plan's law requires a lump-sum payment, for the purchase of service credit, the board may establish a periodic payment plan in order to avoid a contribution in excess of the limits under section 415(c) or 415(n) of the federal internal revenue code.

(ii) If the board's option under clause (i) will not avoid a contribution in excess of the limits under section 415(c) or 415(n) of the federal internal revenue code, the board shall reduce or deny the contribution.

(C) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if an active member makes one or more contributions to purchase permissive service credit under a retirement plan, then the requirements of this section shall be treated as met only if:

(i) The requirements of section 415(b) of the federal internal revenue code are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of such section; or

(ii) the requirements of section 415(c) of the federal internal revenue code are met, determined by treating all such contributions as annual additions for purposes of such section. For purposes of applying clause (i) a retirement plan shall not fail to meet the reduced limit under section 415(b)(2)(C) of the federal internal revenue code solely by reason of this subparagraph (C), and for purposes of applying clause (ii), a retirement plan shall not fail to meet the percentage limitation under section 415(c)(1)(B) of the federal internal revenue code solely by reason of this paragraph.

(iii) For purposes of this clause, the term "permissive service credit" means service credit:

(a) Specifically recognized by a retirement plan's law for purposes of calculating a member's benefit under that retirement plan;

(b) ~~which that~~ such member has not received under a retirement plan; and

(c) ~~which that~~ such member may receive under a retirement plan's law only by

making a voluntary additional contribution, in an amount determined under the retirement plan's law and procedures established by the board, ~~which that~~ does not exceed the amount necessary to fund the benefit attributable to such service credit.

(iv) A retirement plan shall fail to meet the requirements of this clause if the retirement plan's law specifically provides for a purchase of nonqualified service purchase, and if:

(a) More than five years of nonqualified service credit are taken into account for purposes of this subclause; or

(b) any nonqualified service credit is taken into account under this subclause before the member has at least five years of participation under a retirement plan. For purposes of this subclause, effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, the term "nonqualified service credit" means the same as provided in section 415(n)(3)(C) of the federal internal revenue code.

(v) In the case of a trustee-to-trustee transfer after December 31, 2001, to which section 403(b)(13)(A) or 457(e)(17)(A) of the federal internal revenue code applies, without regard to whether the transfer is made between plans maintained by the same employer:

(a) The limitations of clause (iv) shall not apply in determining whether the transfer is for the purchase of permissive service credit; and

(b) the distribution rules applicable under federal law to a retirement plan shall apply to such amounts and any benefits attributable to such amounts.

(vi) For an eligible member, the limitation of section 415(c)(1) of the federal internal revenue code shall not be applied to reduce the amount of permissive service credit which may be purchased to an amount less than the amount which was allowed to be purchased under the terms of the statute as in effect on August 5, 1997. For purposes of this clause, an eligible member is an individual who first became a member in the retirement plan before January 1, 1998.

(D) Subject to approval by the internal revenue service, the board shall maintain a qualified governmental excess benefit arrangement under section 415(m) of the federal internal revenue code. The board shall establish the necessary and appropriate procedures for the administration of such benefit arrangement under the federal internal revenue code. The amount of any annual benefit that would exceed the limitations imposed by section 415 of the federal internal revenue code shall be paid from this benefit arrangement. The amount of any contribution that would exceed the limitations imposed by section 415 of the federal internal revenue code shall be credited to this benefit arrangement. The qualified excess benefit arrangement shall be a separate portion of the retirement plan. The qualified excess benefit arrangement is subject to the following requirements:

(i) The benefit arrangement shall be maintained solely for the purpose of providing to participants in the retirement plans that part of the participant's annual benefit otherwise payable under the terms of the act that exceeds the limitations on benefits imposed by section 415 of the federal internal revenue code; and

(ii) participants do not have an election, directly or indirectly, to defer compensation to the excess benefit arrangement.

(E) For purposes of applying these limits only and for no other purpose, the definition of compensation where applicable shall be compensation actually paid or

made available during a limitation year, except as noted below and as permitted by treasury regulation section 1.415(c)-2. Specifically, compensation shall be defined as wages within the meaning of section 3401(a) of the federal internal revenue code and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under sections 6041(d), 6051(a)(3) and 6052 of the federal internal revenue code. Compensation shall be determined without regard to any rules under section 3401(a) of the federal internal revenue code that limit the remuneration included in wages based on the nature or location of the employment or the services performed, such as the exception for agricultural labor in section 3401(a)(2) of the federal internal revenue code.

(i) However, for limitation years beginning after December 31, 1997, compensation shall also include amounts that would otherwise be included in compensation but for an election under sections 125(a), 402(e)(3), 402(h)(1)(B), 402(k) or 457(b) of the federal internal revenue code. For limitation years beginning after December 30, 2000, compensation shall also include any elective amounts that are not includable in the gross income of the employee by reason of section 132(f)(4) of the federal internal revenue code.

(ii) The definition of compensation shall exclude employee contributions picked up under section 414(h)(2) of the federal internal revenue code.

(iii) For limitation years beginning on and after January 1, 2007, compensation for the limitation year will also include compensation paid by the later of two and a half months after an employee's severance from employment or the end of the limitation year that includes the date of the employee's severance from employment if:

(a) The payment is regular compensation for services during the employee's regular working hours or compensation for services outside the employee's regular working hours, such as overtime or shift differential, commissions, bonuses or other similar payments, and absent a severance from employment, the payments would have been paid to the employee while the employee continues in employment with the employer;

(b) the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued; or

(c) for limitation years beginning on and after January 1, 2012, the payment is made pursuant to a nonqualified unfunded deferred compensation plan, but only if the payment would have been paid to the member at the same time if the member had continued employment with the employer and only to the extent that the payment is includable in the member's gross income.

(iv) Any payments not described in clause (iii) are not considered compensation if paid after severance from employment, even if they are paid within two and a half months following severance from employment, except for payments to the individual who does not currently perform services for the employer by reason of qualified military service, within the meaning of section 414(u)(1) of the federal internal revenue code, to the extent these payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the employer rather than entering qualified military service.

(v) An employee who is in qualified military service, within the meaning of section 414(u)(1) of the federal internal revenue code, shall be treated as receiving compensation from the employer during such period of qualified military service equal to: (a) The compensation the employee would have received during such period if the

employee were not in qualified military service, determined based on the rate of pay the employee would have received from the employer but for the absence during the period of qualified military service; or (b) if the compensation the employee would have received during such period was not reasonably certain, the employee's average compensation from the employer during the ~~twelve-month~~ 12-month period immediately preceding the qualified military service, or if shorter, the period of employment immediately preceding the qualified military service.

(vi) Back pay, within the meaning of treasury regulation section 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.

(7) On and after January 1, 2009, for purposes of applying the limits under section 415(b) of the federal internal revenue code, the following shall apply:

(A) A member's applicable limit shall be applied to the member's annual benefit in the first limitation year without regard to any automatic cost-of-living increases;

(B) to the extent the member's annual benefit equals or exceeds such limit, the member shall no longer be eligible for cost-of-living increases until such time as the benefit plus the accumulated increases are less than such limit;

(C) thereafter, in any subsequent limitation year, the member's annual benefit including any automatic cost-of-living increase applicable shall be tested under the then applicable benefit limit including any adjustment to the dollar limit under section 415(b)(1)(A) or 415(d) of the federal internal revenue code and the regulations thereunder; and

(D) in no event shall a member's annual benefit payable from a retirement plan in any limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to section 415(d) of the federal internal revenue code and the regulations thereunder. If the form of benefit without regard to the automatic benefit increase feature is not a straight life annuity, then the preceding sentence is applied by reducing the limit under section 415(b) of the federal internal revenue code applicable at the annuity starting date to an actuarially equivalent amount determined using the assumptions specified in treasury regulation section 1.415(b)-1(c)(2)(ii) that take into account the death benefits under the form of benefit. This subsection applies to distributions made on and after January 1, 1993. A distributee may elect to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a transfer made from the retirement system.

(i) An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: (a) Any distribution that is one of a series of substantially equal periodic payments, not less frequently than annually, made for the life or the life expectancy of the distributee or the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary or for a specified period of 10 years or more; (b) any distribution to the extent such distribution is required under section 401(a)(9) of the federal internal revenue code; (c) the portion of any distribution that is not includable in gross income; and (d) any other distribution that is reasonably expected to total less than \$200 during the year. Effective January 1, 2002, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of

after-tax employee contributions that are not includable in gross income. However, such portion may be transferred only to an individual retirement account or annuity described in section 408(a) or (b) of the federal internal revenue code, or to a qualified defined contribution plan described in section 401(a) of the federal internal revenue code or to a qualified plan described in section 403(a) of the federal internal revenue code, that agrees to separately account for amounts so transferred and earnings on such amounts, including separately accounting for the portion of the distribution that is includable in gross income and the portion of the distribution that is not so includable, or on or after January 1, 2007, to a qualified defined benefit plan described in section 401(a) of the federal internal revenue code or to an annuity contract described in section 403(b) of the federal internal revenue code, that agrees to separately account for amounts so transferred and earnings thereon, including separately accounting for the portion of the distribution that is includable in gross income and the portion of the distribution that is not so includable.

(ii) An eligible retirement plan is any of the following that accepts the distributee's eligible rollover distribution:

(a) An individual retirement account described in section 408(a) of the federal internal revenue code;

(b) an individual retirement annuity described in section 408(b) of the federal internal revenue code;

(c) an annuity plan described in section 403(a) of the federal internal revenue code;

(d) a qualified trust described in section 401(a) of the federal internal revenue code;

(e) effective January 1, 2002, an annuity contract described in section 403(b) of the federal internal revenue code;

(f) effective January 1, 2002, a plan eligible under section 457(b) of the federal internal revenue code that is maintained by a state, political subdivision of a state or any agency or instrumentality of a state or a political subdivision of a state that agrees to separately account for amounts transferred into the plan from a retirement plan; or

(g) effective January 1, 2008, a roth IRA described in section 408(A) of the federal internal revenue code.

(iii) Effective January 1, 2002, the definition of eligible rollover distribution also includes a distribution to a surviving spouse, or to a spouse or former spouse who is an alternate payee under a domestic relations order, as defined in section 414(p) of the federal internal revenue code.

(iv) A distributee includes an employee or former employee. It also includes the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in section 414(p) of the federal internal revenue code. Effective July 1, 2007, a distributee further includes a nonspouse beneficiary who is a designated beneficiary as defined by section 401(a)(9)(E) of the federal internal revenue code. However, a nonspouse beneficiary may rollover the distribution only to an individual retirement account or individual retirement annuity established for the purpose of receiving the distribution and the account or annuity will be treated as an "inherited" individual retirement account or annuity.

(v) A direct rollover is a payment by the retirement system to the eligible retirement plan specified by the distributee.

(8) Notwithstanding any law to the contrary, the board may accept a direct or

indirect eligible rollover distributions for the purpose of the purchase of service credit. In addition, the board may accept a direct trustee to trustee transfer from a deferred compensation plan under section 457(b) of the federal internal revenue code or a tax sheltered annuity under section 403(b) of the federal internal revenue code for: (A) The purchase of permissive service credit, as defined under section 415(n)(3)(A) of the federal internal revenue code; or (B) a repayment to which section 415 of the federal internal revenue code does not apply pursuant to section 415(k)(3) of the federal internal revenue code. Any such transfer shall be allowed as provided in this subsection to the extent permitted by law, subject to any conditions, proofs or acceptance established or required by the board or the board's designee.

(9) Where required by the act, an employer shall pick up and pay contributions that would otherwise be payable by members of a retirement plan in accordance with section 414(h)(2) of the federal internal revenue code as follows:

(A) The contributions, although designated as employee contributions, are being paid by the employer in lieu of contributions by the employee;

(B) the employee must not have been given the option of receiving the amounts directly instead of having them paid to the retirement plan; and

(C) the pickup shall apply to amounts that a member elects to contribute to receive credit for prior or participating service if the election is irrevocable and applies to amounts contributed before retirement.

(10) (A) Notwithstanding any provision of this plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with section 414(u) of the federal internal revenue code and the uniformed services employment and reemployment rights act of 1994.

(B) Effective with respect to deaths occurring on or after January 1, 2007, while a member is performing qualified military service, as defined in chapter 43 of title 38, United States code, to the extent required by section 401(a)(37) of the federal internal revenue code, survivors of a member in the system, are entitled to any additional benefits that the system would provide if the member had resumed employment and then died, such as accelerated vesting or survivor benefits that are contingent on the member's death while employed. A deceased member's period of qualified military service must be counted for vesting purposes.

(C) Effective with respect to deaths or disabilities, or both, occurring on or after January 1, 2007, while a member is performing qualified military service, as defined in chapter 43 of title 38, United States code, to the extent permitted by section 414(u)(9) of the federal internal revenue code, for the benefit accrual purposes and in the case of death, for vesting purposes, the member will be treated as having earned years of service for the period of qualified military service, having returned to employment on the day before the death or disability, or both, and then having terminated on the date of death or disability. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

(D) Beginning January 1, 2009, to the extent required by section 414(u)(12) of the federal internal revenue code, an individual receiving differential wage payments, as defined under section 3401(h)(2) of the federal internal revenue code, from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under section 415(c) of the federal internal revenue code. This provision shall be

applied to all similarly situated individuals in a reasonably equivalent manner.

(11) Upon the complete or partial termination of a retirement plan, the rights of members to benefits accrued to the date of termination, to the extent funded, or to the amounts in their accounts are nonforfeitable, and amounts in their accounts may be distributed to them.

(d) The plan year for the retirement plan begins on July 1.

(e) The limitation year for purposes of section 415 of the federal internal revenue code is the calendar year.

(f) The board may not engage in a transaction prohibited by section 503(b) of the federal internal revenue code.

(g) (1) For purposes of determining an "actuarial equivalent" or of an "actuarial computation" for members hired prior to July 1, 2009, the board shall use the following:

(A) The applicable mortality table is specified in revenue ruling 2001-62 or revenue ruling 2007-67, as applicable; and

(B) the applicable interest factor is the actuarially assumed rate of return established by the board.

(2) For purposes of determining an "actuarial equivalent" or an "actuarial computation" for members hired on or after July 1, 2009, the board shall use the following:

(A) The applicable mortality table is the  $^{50}/_{50}$  male/female blend of the RP 2000 health annuitant mortality table, projected to 2025; and

(B) the applicable interest factor is the actuarially assumed rate of return established by the board.

(3) For converting amounts payable under the partial lump sum option, the board shall use the following:

(A) The applicable mortality table is a  $^{50}/_{50}$  male/female blend of the 1983 group annuity mortality table; and

(B) the applicable interest factor is the actuarially assumed rate of return established by the board.

(4) For benefit testing under section 415(b) of the federal internal revenue code, the factors required by treasury regulations shall be used. The applicable mortality table is specified in revenue ruling 2001-62 for years prior to January 1, 2009, and notice 2008-85 for years after December 31, 2008.;

Also on page 3, in line 21, by striking "and" and inserting a comma; after "74-4908a" by inserting ", 74-4927, 74-4986n and 74-49,123 and K.S.A. 2020 Supp. 74-4986l"; in line 23, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "system" by inserting "and systems thereunder"; in line 3, after the semicolon by inserting "providing a moratorium on death and long-term disability employer contributions to the group insurance reserve fund; allowing the extension of certain initial DROP periods under the Kansas deferred retirement option program act; conforming certain KPERS provisions with the federal CARES act;"; also in line 3, by striking the first "and" and inserting a comma; also in line 3, after "74-4908a" by inserting ", 74-4927, 74-4986n and 74-49,123 and K.S.A. 2020 Supp. 74-4986l";

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

JEFF LONGBINE

MICHAEL FAGG

JEFF PITTMAN

*Conferees on part of Senate*

STEVEN JOHNSON

CHRIS CROFT

CINDY NEIGHBOR

*Conferees on part of House*

Senator Longbine moved the Senate adopt the Conference Committee Report on **HB 2243**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

#### **MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **SB 36**.

The House adopts the Conference Committee report on **SB 67**.

The House adopts the Conference Committee report on **SB 95**.

The House adopts the Conference Committee report on **SB 127**.

The House nonconcurrs in Senate amendments to **HB 2158**, requests a conference and has appointed Representatives Concannon, Esau and Ousley as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2064**, requests a conference and has appointed Representatives Tarwater, Long and Clayton as conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **SB 55**, and has appointed Representatives Williams, Huebert and Stogsdill as Second conferees on the part of the House.

#### **ORIGINAL MOTION**

On motion of Senator Baumgardner, the Senate acceded to the request of the House for a conference on **HB 2064**.

The Vice President appointed Senators Baumgardner, Erickson and Sykes as conferees on the part of the Senate.

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 55** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

KRISTEY WILLIAMS  
STEVE HUEBERT  
*Conferees on part of House*

MOLLY BAUMGARDNER  
RENEE ERICKSON  
*Conferees on part of Senate*

On motion of Senator Baumgardner the Senate adopted the conference committee report on **SB 55**, and requested a new conference be appointed.

The Vice President appointed Senators Baumgardner, Erickson and Sykes as a second Conference Committee on the part of the Senate on **SB 55**.

### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **S Sub HB 2183** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

LARRY ALLEY  
RICHARD HILDERBRAND  
OLETHA FAUST-GOUDEAU  
*Conferees on part of Senate*

BLAKE CARPENTER  
EMIL BERGQUIST  
VIC MILLER  
*Conferees on part of House*

On motion of Senator Alley the Senate adopted the conference committee report on **S Sub HB 2183**, and requested a new conference be appointed.

The Vice President appointed Senators Alley, Hilderbrand and Faust-Goudeau as a second Conference Committee on the part of the Senate on **HB 2183**.

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

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### AFTERNOON SESSION

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2366**.

Announcing passage of **SB 91**, as amended by **House Sub for SB 91**.

The House adopts the Conference Committee report to agree to disagree on **S Sub HB 2183**, and has appointed Representatives B. Carpenter, Bergquist and Miller as Second conferees on the part of the House.

**CONFERENCE COMMITTEE REPORT**

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2039** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

MOLLY BAUMGARDNER

RENEE ERICKSON

*Conferees on part of Senate*

STEVEN HUEBERT

ADAM THOMAS

*Conferees on part of House*

On motion of Senator Baumgardner the Senate adopted the conference committee report on **HB 2039**, and requested a new conference be appointed.

The President appointed Senators Baumgardner, Erickson and Sykes as a second Conference Committee on the part of the Senate on **HB 2039**.

**ORIGINAL MOTION**

On motion of Senator Hilderbrand, the Senate acceded to the request of the House for a conference on **HB 2158**.

The Vice President appointed Senators Hilderbrand, Gossage and Pettey as conferees on the part of the Senate.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 36** 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 10, following line 37, by inserting:

"Sec. 3. K.S.A. 8-1101 is hereby amended to read as follows: 8-1101. As used in this act:

(a) "Public agency" means and includes the department of transportation, the Kansas turnpike authority, a county, city and township.

(b) "Motor vehicle" means every vehicle; or tractor trailer combination, ~~which that~~ is self-propelled by which any person or property is or may be transported or drawn upon a highway except vehicles used exclusively upon stationary rails or tracks.

(c) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel.

(d) "Law enforcement officer" means and includes the Kansas highway patrol, police, ~~sheriff, and sheriffs~~ who are vested with the power and authority of peace, police; and law enforcement, or those authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(e) "Person" means the same as defined in K.S.A. 8-1447, and amendments thereto.

Sec. 4. K.S.A. 2020 Supp. 8-1103 is hereby amended to read as follows: 8-1103. (a) (1) Whenever any person providing wrecker or towing service, as defined by law K.S.A. 66-1329, and amendments thereto, while lawfully in possession of a vehicle, at the direction of a law enforcement officer or the owner or as provided by a city ordinance or county resolution, renders any service to the owner thereof by the recovery, transportation, protection, storage or safekeeping thereof, a first and prior lien on the vehicle is hereby created in favor of such person rendering such service and the lien shall amount to the full amount and value of the service rendered. The lien may be foreclosed in the manner provided in this act.

(2) If the name of the owner of the vehicle is known to the person in possession of such vehicle, then within 15 days, notice shall be given to the owner that the vehicle is being held subject to satisfaction of the lien. Any vehicle remaining in the possession of a person providing wrecker or towing service for a period of 30 days after such wrecker or towing service was provided may be sold to pay the reasonable or agreed charges for such recovery, transportation, protection, storage or safekeeping of such vehicle and personal property therein, the costs of such sale, the costs of notice to the owner of the vehicle and publication after giving the notices required by this act, unless a court order has been issued to hold such vehicle for the purpose of a criminal investigation or for use as evidence at a trial.

(3) If a court orders any vehicle to be held for the purpose of a criminal investigation or for use as evidence at a trial, then such order shall be in writing, and the court shall assess as costs the reasonable or agreed charges for the protection, storage or safekeeping accrued while the vehicle was held pursuant to such written order.

(4) Any personal property within the vehicle need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid, or satisfactory arrangements for payment have been made, except as provided under subsection (c) or for personal medical supplies which shall be released to the owner thereof upon request. The person in possession of such vehicle and personal property shall be responsible only for the reasonable care of such property. Any personal property within the vehicle not returned to the owner shall be sold at the auction authorized by this act.

(b) At the time of providing wrecker or towing service, any person providing such wrecker or towing service shall give written notice to the driver, if available, of the vehicle being towed that a fee will be charged for storage of such vehicle. Failure to give such written notice shall invalidate any lien established for such storage fee.

(c) A city ordinance or county resolution authorizing the towing of vehicles from private property shall specify in such ordinance or resolution:

(1) The maximum rate such wrecker or towing service may charge for such wrecker or towing service and storage fees;

(2) that an owner of a vehicle towed shall have access to personal property in such vehicle for 48 hours after such vehicle has been towed and such personal property shall be released to the owner; and

(3) that the wrecker or towing service shall report the location of such vehicle to local law enforcement within two hours of such tow.

(d) A person providing towing services shall not tow a vehicle to a location outside of Kansas without the consent of either:

(1) The driver or owner of the motor vehicle;

(2) a motor club of which the driver or owner of the motor vehicle is a member; or  
 (3) the insurance company processing a claim with respect to the vehicle or an agent of such insurance company.

Sec. 5. K.S.A. 2020 Supp. 8-1104 is hereby amended to read as follows: 8-1104. (a) Before any such vehicle and personal property is sold, the person intending to sell such vehicle shall request verification from the division of vehicles of the last registered owner and any lienholders, if any. Such verification request shall be submitted to the division of vehicles not more than 30 days after such person took possession of the vehicle. Every person intending to sell any vehicle pursuant to this section that cannot be verified by the division of vehicles shall obtain an interstate search of registered owners and lienholders unless:

(1) The vehicle is 15 years of age or older; or  
 (2) the vehicle is determined by the division of vehicles to be a nonrepairable vehicle pursuant to K.S.A. 8-135c, and amendments thereto.

(b) Notice of sale, as provided in this act, shall be mailed by certified mail to any such registered owner and any such lienholders within 10 days after receipt of verification of the last owner and any lienholders, if any. The person intending to sell such vehicle and personal property pursuant to this act shall cause a notice of the time and place of sale, containing a description of the vehicle and personal property, to be published in a newspaper published in the county or city where such sale is advertised to take place, and if there is no newspaper published in such county, then the notice shall be published in some newspaper of general circulation in such county. Notices given under this section shall state that if the amount due, together with storage, publication, notice and sale costs, is not paid within 15 days from the date of mailing, the vehicle and personal property will be sold at public auction. Notice of an auction shall be published at least seven days prior to the scheduled auction.”;

Also on page 10, in line 38, before "K.S.A." by inserting "K.S.A. 8-1101 and"; also in line 38, by striking "and" and inserting a comma; also in line 38, after "8-198" by inserting ", 8-1103 and 8-1104";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after the second semicolon by inserting "relating to abandoned and disabled vehicles; prohibiting the towing of vehicles outside the state of Kansas without prior consent; requiring an interstate search of registered owners and lienholders prior to sale of nonrepairable vehicles and vehicles less than 15 years old and publication in the newspaper seven days prior to sale of vehicles and property at auction;"; in line 8, after "amending" by inserting "K.S.A. 8-1101 and"; also in line 8, by striking the first "and" and inserting a comma; also in line 8, after "8-198" by inserting ", 8-1103 and 8-1104";

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

RICHARD PROEHL  
 LEO DELPERDANG  
 HENRY HELGERSON  
*Conferees on part of House*  
 MIKE PETERSEN  
 J. R. CLAEYS  
 TOM HAWK  
*Conferees on part of Senate*

Senator Petersen moved the Senate adopt the Conference Committee Report on **SB 36**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 67** submits the following report:

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

On page 1, by striking all in lines 7 through 36;

By striking all on pages 2 through 5;

On page 6, by striking all in lines 1 through 15 and inserting:

"New Section 1. As used in sections 1 through 4, and amendments thereto:

(a) "Funeral procession" means two or more vehicles accompanying the body of a deceased person, or traveling to the cemetery, church, chapel or other location where the funeral service is to be held, in the daylight hours, including a funeral lead vehicle or a funeral escort.

(b) "Funeral lead vehicle" means any authorized law enforcement or nonlaw enforcement motor vehicle properly equipped pursuant to K.S.A. 8-1723, and amendments thereto, or a funeral escort vehicle being used to lead and facilitate the movement of a funeral procession. A funeral hearse may serve as a funeral lead vehicle.

(c) "Funeral escort" means a person or entity that provides escort services for funeral processions, including law enforcement personnel and agencies and groups designated to escort military funeral processions.

New Sec. 2. (a) Notwithstanding any provision of state law, city ordinance or county resolution relating to traffic control devices or right-of-way provisions, pedestrians and operators of all vehicles, except as provided in subsection (b), funeral escorts may reasonably direct vehicle and pedestrian traffic to allow funeral processions to pass through intersections and disregard traffic control devices. When the funeral lead vehicle is directed by a funeral escort to lawfully enter an intersection, the remaining vehicles in the funeral procession may follow such funeral lead vehicle through the intersection regardless of any traffic control devices or right-of-way provisions prescribed by state law, city ordinance or county resolution.

(b) Funeral processions shall have the right-of-way at intersections regardless of traffic control devices, subject to the following conditions and exceptions:

(1) Operators of vehicles in a funeral procession shall yield the right-of-way to an approaching authorized emergency vehicle, as defined in K.S.A. 8-1404, and amendments thereto, using an audible signal meeting the requirements of K.S.A. 8-

1738, and amendments thereto, or a visual signal meeting the requirements of K.S.A. 8-1720, and amendments thereto;

(2) operators of vehicles in a funeral procession shall yield the right-of-way when directed by a police officer;

(3) operators of vehicles in a funeral procession shall exercise due care when participating in a funeral procession and avoid colliding with any other vehicle or pedestrian in accordance with K.S.A. 8-1535, and amendments thereto; and

(4) an operator of a vehicle in a funeral procession shall not have the right-of-way at an intersection, if the vehicle is more than 300 feet behind the immediately preceding vehicle in the funeral procession.

New Sec. 3. (a) All vehicles comprising a funeral procession shall follow the preceding vehicle in the funeral procession as closely as is practical and safe.

(b) In accordance with K.S.A. 8-1523, and amendments thereto, any state law, city ordinance or county resolution stating that motor vehicles shall be operated to allow sufficient space, enabling any other vehicle to enter and occupy such space without danger, shall not be applicable to funeral processions.

(c) Each vehicle that is a part of a funeral procession shall have such vehicle's headlights, either high beam or low beam, and tail lights lighted and may also use flashing hazard lights if the vehicle is so equipped.

New Sec. 4. Nothing in sections 1 through 3, and amendments thereto, shall be construed to prohibit any city or county from requiring:

(a) A law enforcement or nonlaw enforcement funeral lead vehicle or funeral escort for a funeral procession. A city or county may require prior notice of a planned funeral procession be given to the city police department or the county sheriff; or

(b) compliance with any other city ordinance or county resolution not in conflict with the provisions of sections 1 through 3, and amendments thereto.

New Sec. 5. (a) The driver of a vehicle shall not overtake and pass another vehicle when approaching within 100 feet of a stationary authorized utility or telecommunications vehicle.

(b) The driver of a vehicle shall yield the right-of-way to any authorized utility or telecommunications vehicle or pedestrian actually engaged in work on the highway whenever such vehicle displays flashing lights meeting the requirements of K.S.A. 8-1731, and amendments thereto.

(c) The driver of a motor vehicle, upon approaching a stationary authorized utility or telecommunications vehicle that is obviously and actually engaged in work upon a highway, when such authorized utility or telecommunications vehicle is displaying flashing lights meeting the requirements of K.S.A. 8-1731, and amendments thereto, shall do either of the following:

(1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road and weather and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary authorized public utility or telecommunications vehicle; or

(2) if the driver is not traveling on a highway of a type described in paragraph (1), or if the driver is traveling on a highway of that type described in paragraph (1) but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with

due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road and weather and traffic conditions.

(d) This section shall not operate to relieve the driver of an authorized utility or telecommunications vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(e) As used in this section, "authorized utility or telecommunications vehicle" means:

(1) A motor vehicle operated by an authorized person as defined in K.S.A. 66-1710, and amendments thereto, for an electric or natural gas public utility as defined in K.S.A. 66-104, and amendments thereto, or a municipality-owned utility, when such motor vehicle is utilized for repairs that are needed on electric utility or natural gas equipment to restore necessary services or ensure public safety and is making use of visual signals meeting the requirements of K.S.A. 8-1731, and amendments thereto; and

(2) a motor vehicle operated by a provider, as defined in K.S.A. 17-1902, and amendments thereto, or a wireless infrastructure provider or a wireless services provider, as defined in K.S.A. 66-2019, and amendments thereto, when such vehicle is utilized for repairs and is making use of visual signals meeting the requirements of K.S.A. 8-1731, and amendments thereto.

(f) This section shall be a part of and supplemental to the uniform act regulating traffic on highways.

Sec. 6. K.S.A. 2020 Supp. 8-2118 is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taken as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made in any manner accepted by the court. The traffic citation shall not have been complied with if the payment is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine ~~which that~~ may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Unsafe speed for prevailing conditions	8-1557	\$75
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or	8-1558 to 8-1560 8-1560a	1-10 mph over the limit, \$45  11-20 mph over the

speeding in locally posted zone	or 8-1560b	limit, \$45 plus \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, \$105 plus \$9 per mph over 20 mph over the limit; 31 and more mph over the limit, \$195 plus \$15 per mph over 30 mph over the limit;
Disobeying traffic control device	8-1507	\$75
Violating traffic control signal	8-1508	\$75
Violating pedestrian control signal	8-1509	\$45
Violating flashing traffic signals	8-1510	\$75
Violating lane-control signal	8-1511	\$75
Unauthorized sign, signal, marking or device	8-1512	\$45
Driving on left side of roadway	8-1514	\$75
Failure to keep right to pass oncoming vehicle	8-1515	\$75
Improper passing; increasing speed when passed	8-1516	\$75
Improper passing on right	8-1517	\$75
Passing on left with insufficient clearance	8-1518	\$75
Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	\$75
Driving on left in no-passing zone	8-1520	\$75
Unlawful passing of stopped emergency vehicle	8-1520a	\$75
Driving wrong direction on one-way road	8-1521	\$75
Improper driving on laned roadway	8-1522	\$75
Following too close	8-1523	\$75
Improper crossover on divided highway	8-1524	\$45
Failure to yield right-of-way at uncontrolled intersection	8-1526	\$75
Failure to yield to approaching	8-1527	\$75

vehicle when turning left		
Failure to yield at stop or yield sign	8-1528	\$75
Failure to yield from private road or driveway	8-1529	\$75
Failure to yield to emergency vehicle	8-1530	\$195
Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$105
Failure to comply with restrictions in road construction zone	8-1531a	\$45
Disobeying pedestrian traffic control device	8-1532	\$45
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$75
Improper pedestrian crossing	8-1534	\$45
Failure to exercise due care in regard to pedestrian	8-1535	\$45
Improper pedestrian movement in crosswalk	8-1536	\$45
Improper use of roadway by pedestrian	8-1537	\$45
Soliciting ride or business on roadway	8-1538	\$45
Driving through safety zone	8-1539	\$45
Failure to yield to pedestrian on sidewalk	8-1540	\$45
Failure of pedestrian to yield to emergency vehicle	8-1541	\$45
Failure to yield to blind pedestrian	8-1542	\$45
Pedestrian disobeying bridge or railroad signal	8-1544	\$45
Improper turn or approach	8-1545	\$75
Improper "U" turn	8-1546	\$75
Unsafe starting of stopped vehicle	8-1547	\$45
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	\$75

Improper method of giving notice of intention to turn	8-1549	\$45
Improper hand signal	8-1550	\$45
Failure to stop or obey road crossing signal	8-1551	\$195
Failure to stop at railroad crossing stop sign	8-1552	\$135
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$195
Improper moving of heavy equipment at railroad crossing	8-1554	\$75
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$75
Improper passing of school bus; improper use of school bus signals	8-1556	\$315
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$195
Impeding normal traffic by slow speed	8-1561	\$45
Speeding on motor-driven cycle	8-1562	\$75
Speeding in certain vehicles or on posted bridge	8-1563	\$45
Improper stopping, standing or parking on roadway	8-1569	\$45
Parking, standing or stopping in prohibited area	8-1571	\$45
Improper parking	8-1572	\$45
Unattended vehicle	8-1573	\$45
Improper backing	8-1574	\$45
Driving on sidewalk	8-1575	\$45
Driving with view or driving mechanism obstructed	8-1576	\$45
Unsafe opening of vehicle door	8-1577	\$45
Riding in house trailer	8-1578	\$45
Unlawful riding on vehicle	8-1578a	\$75
Improper driving in defiles, canyons, or on grades	8-1579	\$45
Coasting	8-1580	\$45
Following fire apparatus too closely	8-1581	\$75

Driving over fire hose	8-1582	\$45
Putting glass, etc., on highway	8-1583	\$105
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$45
Improper operation of snowmobile on highway	8-1585	\$45
Parental responsibility of child riding bicycle	8-1586	\$45
Not riding on bicycle seat; too many persons on bicycle	8-1588	\$45
Clinging to other vehicle	8-1589	\$45
Improper riding of bicycle on roadway	8-1590	\$45
Carrying articles on bicycle; one hand on handlebars	8-1591	\$45
Improper bicycle lamps, brakes or reflectors	8-1592	\$45
Improper operation of motorcycle; seats; passengers, bundles	8-1594	\$45
Improper operation of motorcycle on laned roadway	8-1595	\$75
Motorcycle clinging to other vehicle	8-1596	\$45
Improper motorcycle handlebars or passenger equipment	8-1597	\$75
Motorcycle helmet and eye-protection requirements	8-1598	\$45
Unlawful operation of all-terrain vehicle	8-15,100	\$75
Unlawful operation of low-speed vehicle	8-15,101	\$75
Littering	8-15,102	\$115
Disobeying school crossing guard	8-15,103	\$75
Unlawful operation of micro utility truck	8-15,106	\$75
Failure to remove vehicles in accidents	8-15,107	\$75
Unlawful operation of golf cart	8-15,108	\$75
Unlawful operation of work-	8-15,109	\$75

site utility vehicle		
Unlawful display of license plate	8-15,110	\$60
Unlawful text messaging	8-15,111	\$60
Unlawful passing of a waste collection vehicle	8-15,112	\$45
<u>Unlawful passing of a utility or telecommunications vehicle</u>	<u>section 5</u>	<u>\$105</u>
Equipment offenses that are not misdemeanors	8-1701	\$75
Driving without lights when needed	8-1703	\$45
Defective headlamps	8-1705	\$45
Defective tail lamps	8-1706	\$45
Defective reflector	8-1707	\$45
Improper stop lamp or turn signal	8-1708	\$45
Improper lighting equipment on certain vehicles	8-1710	\$45
Improper lamp color on certain vehicles	8-1711	\$45
Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$45
Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$45
No lamp or flag on projecting load	8-1715	\$75
Improper lamps on parked vehicle	8-1716	\$45
Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$45
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$45
Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$45
Improper lamps or lights on emergency vehicle	8-1720	\$45
Improper stop or turn signal	8-1721	\$45
Improper vehicular hazard warning lamp	8-1722	\$45

Unauthorized additional lighting equipment	8-1723	\$45
Improper multiple-beam lights	8-1724	\$45
Failure to dim headlights	8-1725	\$75
Improper single-beam headlights	8-1726	\$45
Improper speed with alternate lighting	8-1727	\$45
Improper number of driving lamps	8-1728	\$45
Unauthorized lights and signals	8-1729	\$45
Improper school bus lighting equipment and warning devices	8-1730	\$45
Unauthorized lights and devices on church or day-care bus	8-1730a	\$45
Improper lights on highway construction or maintenance vehicles	8-1731	\$45
Defective brakes	8-1734	\$45
Defective or improper use of horn or warning device	8-1738	\$45
Defective muffler	8-1739	\$45
Defective mirror	8-1740	\$45
Defective wipers; obstructed windshield or windows	8-1741	\$45
Improper tires	8-1742	\$45
Improper flares or warning devices	8-1744	\$45
Improper use of vehicular hazard warning lamps and devices	8-1745	\$45
Improper air-conditioning equipment	8-1747	\$45
Improper safety belt or shoulder harness	8-1749	\$45
Improper wide-based single tires	8-1742b	\$75
Improper compression release engine braking system	8-1761	\$75
Defective motorcycle headlamp	8-1801	\$45
Defective motorcycle tail lamp	8-1802	\$45

Defective motorcycle reflector	8-1803	\$45
Defective motorcycle stop lamps and turn signals	8-1804	\$45
Defective multiple-beam lighting	8-1805	\$45
Improper road-lighting equipment on motor-driven cycles	8-1806	\$45
Defective motorcycle or motor-driven cycle brakes	8-1807	\$45
Improper performance ability of brakes	8-1808	\$45
Operating motorcycle with disapproved braking system	8-1809	\$45
Defective horn, muffler, mirrors or tires	8-1810	\$45
Unlawful statehouse parking	75-4510a	\$30
Exceeding gross weight of vehicle or combination	8-1909	Pounds Overweight
		up to 1000\$40
per pound		1001 to 2000.....3¢
		2001 to 5000.....5¢
per pound		5001 to 7500.....7¢
		7501 and over.....10¢
per pound		
Exceeding gross weight on any axle or tandem, triple or quad axles	8-1908	Pounds Overweight
per pound		up to 1000\$40
		1001 to 2000.....3¢
per pound		2001 to 5000.....5¢
		5001 to 7500.....7¢
per pound		7501 and over.....10¢
per pound		
Failure to obtain proper registration, clearance or to have current certification	66-1324	\$287
Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	\$137
Failure to obtain interstate motor fuel tax author-	79-34,122	\$137

ization		
No authority as private or common carrier	66-1,111	\$137
Violation of motor carrier safety rules and regulations, except for violations specified in K.S.A. 66-1,130(b)(2), and amendments thereto	66-1,129	\$115

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in K.S.A. 8-1458a, and amendments thereto.

(f) For a second violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after a prior conviction of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 1½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years, after two prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined two times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after three prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 2½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

(g) Fines listed in the uniform fine schedule contained in subsection (c) relating to exceeding the maximum speed limit, shall be doubled if a person is convicted of exceeding the maximum speed limit in a school zone authorized under K.S.A. 8-1560(a)(4), and amendments thereto.

(h) For a second violation of K.S.A. 8-1556, and amendments thereto, within five years after a prior conviction of K.S.A. 8-1556, and amendments thereto, such person, upon conviction, shall be fined \$750 for the second violation. For a third and each succeeding violation of K.S.A. 8-1556, and amendments thereto, within five years after two prior convictions of K.S.A. 8-1556, and amendments thereto, such person, upon conviction, shall be fined \$1,000 for the third and each succeeding violation.";

Also on page 6, in line 16, by striking "8-126 and 8-1402a are" and inserting "8-2118 is"; in line 18, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by

striking all before the second semicolon and inserting "traffic regulations; relating to motor vehicles; regulating vehicles in a funeral procession; permitting funeral escorts to direct funeral procession traffic through intersections and traffic control devices; requiring drivers to yield the right-of-way or move over for authorized utility or telecommunications vehicles; creating a traffic violation thereof"; in line 3, by striking "8-126 and 8-1402a" and inserting "8-2118"; in line 4, by striking "sections" and inserting "section";

RICHARD PROEHL  
LEO DELPERDANG  
HENRY HELGERSON  
*Conferees on part of House*

MIKE PETERSEN  
J. R. CLAEYS  
TOM HAWK  
*Conferees on part of Senate*

Senator Petersen moved the Senate adopt the Conference Committee Report on **SB 67**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 95** 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, following line 6, by inserting:

"Section 1. K.S.A. 2020 Supp. 8-126 is hereby amended to read as follows: 8-126. As used in this act, the following words and phrases ~~when used in this act shall~~ have the meanings respectively ascribed to them herein:

(a) "All-terrain vehicle" means any motorized nonhighway vehicle ~~50 55~~ inches or less in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of 1,500 pounds or less, traveling on three or more nonhighway tires.

(b) "Autocycle" means a three-wheel motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride it.

(c) "Commission" or "state highway commission" means the director of vehicles of the department of revenue.

(d) "Contractor" means a person, partnership, corporation, local government, county government, county treasurer or other state agency that has contracted with the department to provide services associated with vehicle functions.

(e) "Department" or "motor vehicle department" or "vehicle department" means the division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents. When acting on behalf of the department of revenue pursuant to this act, a county treasurer shall be deemed to be an agent of the state of Kansas.

(f) "Division" means the division of vehicles of the department of revenue.

(g) "Electric-assisted scooter" means every self-propelled vehicle that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake and a deck that is designed to be stood upon when riding.

(h) "Electric personal assistive mobility device" means a self-balancing two nontandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

(i) "Electric vehicle" means a vehicle that is powered by an electric motor drawing current from rechargeable storage batteries or other portable electrical energy storage devices, provided the recharge energy must be drawn from a source off the vehicle, such as, but not limited to:

(1) Residential electric service;

(2) an electric vehicle charging station, also called an EV charging station, an electric recharging point, a charging point, ~~EVSE~~ (electric vehicle supply equipment EVSE) or a public charging station.

(j) "Electronic certificate of title" means any electronic record of ownership, including any lien or liens that may be recorded, retained by the division in accordance with K.S.A. 2020 Supp. 8-135d, and amendments thereto.

(k) "Electronic notice of security interest" means the division's online internet program that enables a dealer or secured party to submit a notice of security interest as defined in this section, and to cancel the notice or release the security interest using the program. This program is also known as the Kansas elien or KSelien.

(l) "Farm tractor" means every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements in any manner consistent with the structural design of such power unit.

(m) "Farm trailer" means every trailer and semitrailer as those terms are defined in this section, designed and used primarily as a farm vehicle.

(n) "Foreign vehicle" means every motor vehicle, trailer, or semitrailer that shall be brought into this state otherwise than in ordinary course of business by or through a manufacturer or dealer and has not been registered in this state.

(o) "Golf cart" means a motor vehicle that ~~has does~~ not ~~less~~ have fewer than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.

(p) "Highway" means every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term "highway" ~~shall~~ does not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions.

(q) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated upon the highways. ~~Such term shall include "Implement of husbandry" includes, but is not be~~ limited to:

- (1) A farm tractor;
- (2) a self-propelled farm implement;
- (3) a fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership;
- (4) a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung; and
- (5) a mixer-feed truck owned and used by a feedlot, as defined in K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing food to livestock in such feedlot.

(r) "Lien" means a security interest as defined in this section.

(s) "Lightweight roadable vehicle" means a multipurpose motor vehicle that is allowed to be driven on public roadways and is required to be registered with, and flown under the direction of, the federal aviation administration.

(t) "Manufacturer" means every person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.

(u) "Micro utility truck" means any motor vehicle that is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work-site utility vehicle or recreational off-highway vehicle.

(v) "Motor vehicle" means every vehicle, other than a motorized bicycle or a motorized wheelchair, that is self-propelled.

(w) "Motorcycle" means every motor vehicle, including autcycles, designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as defined in this section.

(x) "Motorized bicycle" means every device having two tandem wheels or three wheels, that may be propelled by either human power or helper motor, or by both, and has:

- (1) A motor ~~which that~~ produces not more than 3.5 brake horsepower;
  - (2) a cylinder capacity of not more than 130 cubic centimeters;
  - (3) an automatic transmission; and
  - (4) the capability of a maximum design speed of no more than 30 miles per hour.
- (y) "Motorized wheelchair" means any self-propelled vehicle designed specifically for use by a physically disabled person and such vehicle is incapable of a speed in excess of 15 miles per hour.

(z) "New vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging new motor vehicles, travel trailers, trailers or vehicles ~~and~~ who holds a dealer's contract therefor from a manufacturer or distributor ~~and who~~ has an established place of business in this state.

(aa) "Nonresident" means every person who is not a resident of this state.

(bb) "Notice of security interest" means a notification to the division from a dealer or secured party of a purchase money security interest as provided in article 9 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, upon a vehicle that has been sold and delivered to the purchaser describing the vehicle and showing the name, address and acknowledgment of the secured party as well as the name and address of the debtor or debtors and other information the division requires.

(cc) "Oil well servicing, oil well clean-out or oil well drilling machinery or equipment" means a vehicle constructed as a machine used exclusively for servicing, cleaning-out or drilling an oil well and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for one or more of those purposes. The passenger capacity of the cab of a vehicle shall not be considered in determining whether such vehicle is oil well servicing, oil well clean-out or oil well drilling machinery or equipment.

(dd) "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of 30 days or more with an immediate right of possession vested in the lessee; or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this act.

(ee) "Passenger vehicle" means every motor vehicle, as defined in this section, that is designed primarily to carry 10 or fewer passengers, and is not used as a truck.

(ff) "Person" means every natural person, firm, partnership, association or corporation.

(gg) "Pole trailer" means any two-wheel vehicle used as a trailer with bolsters that support the load, and do not have a rack or body extending to the tractor drawing the load.

(hh) "Recreational off-highway vehicle" means any motor vehicle ~~more than 50 but not greater than 64.75~~ inches in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of ~~2,000~~ 3,500 pounds or less, traveling on four or more nonhighway tires.

(ii) "Road tractor" means every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon independently, or any part of the weight of a vehicle or load so drawn.

(jj) "Self-propelled farm implement" means every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.

(kk) "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(ll) "Specially constructed vehicle" means any vehicle that shall not have been originally constructed under a distinctive name, make, model or type, or that, if originally otherwise constructed shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(mm) "Trailer" means every vehicle without motive power designed to carry

property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(nn) "Travel trailer" means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes.

(oo) "Truck" means a motor vehicle that is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

(pp) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn.

(qq) "Used vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging used vehicles, and having an established place of business in this state and who does not hold a dealer's contract for the sale of new motor vehicles, travel trailers or vehicles.

(rr) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

(ss) "Vehicle functions" means services relating to the application, processing, auditing or distribution of original or renewal vehicle registrations, certificates of title, driver's licenses and division-issued identification cards associated with services and functions set out in articles 1, 2 and 13 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto. "Vehicle functions" may also include personal property taxation duties set out in article 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and other vehicle-related events described in article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto.

(tt) "Work-site utility vehicle" means any motor vehicle that is not less than 48 inches in width, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more nonhighway tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. "Work-site utility vehicle" does not include a micro utility truck or recreational off-highway vehicle.;

Also on page 1, in line 7, before "K.S.A." by inserting "On and after January 1, 2022,";

On page 8, following line 32, by inserting:

"Sec. 3. K.S.A. 2020 Supp. 8-1402a is hereby amended to read as follows: 8-1402a. "All-terrain vehicle" means any motorized nonhighway vehicle—~~50~~ 55 inches or less in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of 1,500 pounds or less and traveling on three or more nonhighway tires.

Sec. 4. K.S.A. 2020 Supp. 8-126 and 8-1402a are hereby repealed.;

Also on page 8, in line 33, before "K.S.A." by inserting "On and after January 1, 2022,"; in line 35, by striking all before "its";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "relating to all-terrain vehicles and recreational off-highway vehicles; expanding the definitions thereof;"; also in line 3, after "Supp." by inserting "8-126,"; also in line 3, after "8-135" by inserting "and 8-1402a"; in line 4, by striking "section" and inserting "sections";

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

RICHARD PROEHL  
 LEO DELPERDANG  
 HENRY HELGERSON  
*Conferees on part of House*

MIKE PETERSEN  
 J.R. CLAEYS  
 TOM HAWK  
*Conferees on part of Senate*

Senator Petersen moved the Senate adopt the Conference Committee Report on **SB 95**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 127** 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 11, following line 20, by inserting:

"Sec. 3. K.S.A. 2020 Supp. 8-262 is hereby amended to read as follows: 8-262. (a)

(1) Any person who drives a motor vehicle on any highway of this state at a time when such person's privilege so to do is canceled, suspended or revoked or while such person's privilege to obtain a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and amendments thereto, shall be guilty of a class B nonperson misdemeanor on the first conviction and a class A nonperson misdemeanor on the second or subsequent conviction.

(2) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257, and amendments thereto, to the return of such person's driver's license.

(3) Except as otherwise provided by subsection (a)(4) or (c), every person convicted under this section shall be sentenced to at least five days' imprisonment and fined at least \$100 and upon a second conviction shall not be eligible for parole until completion of five days' imprisonment.

(4) Except as otherwise provided by subsection (c), if a person: (A) Is convicted of a violation of this section, committed while the person's privilege to drive or privilege to obtain a driver's license was suspended or revoked for a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any ordinance of any city or resolution of any county or a law of another state, which ordinance or resolution or law prohibits the acts

prohibited by those statutes; and (B) is or has been also convicted of a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any ordinance of any city or resolution of any county or law of another state, which ordinance or resolution or law prohibits the acts prohibited by those statutes, committed while the person's privilege to drive or privilege to obtain a driver's license was so suspended or revoked, the person shall not be eligible for suspension of sentence, probation or parole until the person has served at least 90 days' imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment.

(b) (1) Except as provided by subsection (b)(2), the division, upon receiving a record of the conviction of any person under this section, or any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section, upon a charge of driving a vehicle while the license of such person is revoked or suspended, shall extend the period of such suspension or revocation for an additional period of 90 days.

(2) For any person found guilty of driving a vehicle while the license of such person is suspended for violating K.S.A. 8-2110, and amendments thereto, such offense shall not extend the additional period of suspension pursuant to subsection (b)(1).

(c) (1) The person found guilty of a class A nonperson misdemeanor on a third or subsequent conviction of this section shall be sentenced to not less than 90 days' imprisonment and fined not less than \$1,500 if such person's privilege to drive a motor vehicle is canceled, suspended or revoked because such person:

(A) Refused to submit and complete any test of blood, breath or urine requested by law enforcement excluding the preliminary screening test as set forth in K.S.A. 8-1012, and amendments thereto;

(B) was convicted of violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage;

(C) was convicted of vehicular homicide, K.S.A. 21-3405, prior to its repeal, or K.S.A. 2020 Supp. 21-5406, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or involuntary manslaughter as defined in K.S.A. 2020 Supp. 21-5405(a)(3) and (a)(5), and amendments thereto, or any other murder or manslaughter crime resulting from the operation of a motor vehicle; or

(D) was convicted of being a habitual violator, K.S.A. 8-287, and amendments thereto.

(2) The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2020 Supp. 21-6609, and amendments thereto, or any municipal ordinance to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.

(d) For the purposes of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section, "conviction" includes a conviction of a violation of any ordinance of any city or resolution of any county or a

law of another state ~~which that~~ is in substantial conformity with this section.";

On page 16, in line 19, after the second comma by inserting "8-262,";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, after the semicolon by inserting "providing an exclusion from the additional 90-day period for suspended or revoked licenses"; in line 7, after the second comma by inserting "8-262,";

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

RICHARD PROEHL

LEO DELPERDANG

HENRY HELGERSON

*Conferees on part of House*

MIKE PETERSEN

J.R. CLAEYS

TOM HAWK

*Conferees on part of Senate*

Senator Petersen moved the Senate adopt the Conference Committee Report on **SB 127**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

## **CONFERENCE COMMITTEE REPORT**

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **Sub HB 2166** submits the following report:

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

On page 12, following line 38, by inserting:

"New Sec. 12. (a) On and after January 1, 2022, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less, who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one love, Chloe foundation license plate for each such passenger vehicle or truck. Such license plate shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and either the payment to the county treasurer of the logo use royalty payment or the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) The love, Chloe foundation may authorize the use of the organization's logo to be affixed on license plates as provided by this section. Any motor vehicle owner or

lessee may apply annually to the love, Chloe foundation for use of such logo. Such owner or lessee shall pay an amount of not less than \$25 nor more than \$100 to the love, Chloe foundation as a logo use royalty payment for each such license plate to be issued. The logo use royalty payment shall be paid to either:

(1) The love, Chloe foundation, which shall issue to the motor vehicle owner or lessee, without further charge, a logo use authorization statement that shall be presented by the motor vehicle owner or lessee at the time of registration; or

(2) the county treasurer.

(c) Any applicant for a license plate authorized by this section may make application for such license plate not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for such license plate shall either provide the annual logo use authorization statement provided for in subsection (b) or pay to the county treasurer the logo use royalty payment. Application for registration of a passenger vehicle or truck and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or license plate issued under this section shall be transferable to any other person.

(e) The director of vehicles may transfer a love, Chloe foundation license plate from a leased vehicle to a purchased vehicle.

(f) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant provides to the county treasurer either the annual logo use authorization statement provided for in subsection (b) or the payment of the annual royalty payment. If such statement is not presented at the time of registration or faxed by the love, Chloe foundation or the annual royalty payment is not made to the county treasurer, the applicant shall be required to comply with the provisions of K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(g) The love, Chloe foundation shall provide to all county treasurers an electronic mail address where applicants can contact the love, Chloe foundation for information concerning the application process or the status of such applicant's license plate application.

(h) The love, Chloe foundation, with the approval of the director of vehicles, shall design a plate to be issued under the provisions of this section.

(i) As a condition of receiving the love, Chloe foundation license plate and any subsequent registration renewal of such license plate, the applicant shall consent to the division authorizing the division's release of motor vehicle record information, including the applicant's name, address, royalty payment amount, plate number and vehicle type to the love, Chloe foundation and the state treasurer.

(j) The collection and remittance of annual royalty payments by the county treasurer shall be subject to the provisions of K.S.A. 8-1,141(h), and amendments thereto.";

On page 13, in line 36, by striking "provisions of" and inserting "additional fee set forth in"; also in line 36, by striking the comma; in line 37, by striking all before the period;

On page 21, following line 34, by inserting:

"Sec. 18. K.S.A. 2020 Supp. 8-1,155 is hereby amended to read as follows: 8-1,155. (a) ~~On and after January 1, 2005,~~ Any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is a firefighter, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a firefighter. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) On and after January 1, 2022, any applicant or renewal for a firefighter license plate authorized by this section shall make an annual payment of a firefighters training fee of \$10 to the county treasurer for each license plate to be issued.

(c) Any person who is a firefighter may make an application for such distinctive license plates, not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a firefighter. An application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

~~(d)~~ No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

~~(e)~~ Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.

(f) Annual firefighters training fee payments collected by county treasurers under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the firefighters training fund, which is hereby created in the state treasury and shall be administered by the state treasurer. Expenditures from the firefighting training fund may be made for the purposes of providing financial support related to honoring Kansas firefighters, training Kansas firefighters or any general use that supports Kansas firefighters. All expenditures from the firefighters training fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or the state treasurer's designee. Payments from the firefighters training fund shall be made on a monthly basis to the appropriate designee of the Kansas state firefighters association."

Also on page 21, in line 35, by striking "and" and inserting a comma; in line 36, after "1,147" by inserting "and 8-1,155";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "flag" by inserting ", love, Chloe foundation"; in line 9, after the semicolon by inserting "establishing a fee for firefighter license plates;"; in line 11, by striking "and" and inserting a comma; also in line 11, after "8-1,147" by inserting "and 8-1,155";

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

MIKE PETERSEN

J. R. CLAEYS

*Conferees on part of Senate*

RICHARD PROEHL

LEO DELPERDANG

*Conferees on part of House*

Senator Claeys moved the Senate adopt the Conference Committee Report on **Sub HB 2166**.

On roll call, the vote was: Yeas 29; Nays 5; Present and Passing 5; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Francisco, Holscher, Pittman, Sykes, Ware.

Present and Passing: Corson, Hawk, Holland, McGinn, Pettey.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

Mr. Vice President: A reluctant, but on-balance, AYE. The good news is most of these new auto license tags are beneficial to bona fide organizations; each with some particular direct connection to Kansas. The bad news is this once-tiny amendment authorizes the Don't Tread on Me Flag; whose creation is attributed to a South Carolinian slave trader who, allegedly, "owned" over 90 Africans as slaves and "Gadsden Wharf" which was the largest port for slave importation in North America. I regret well-intentioned Kansans, many of whom know we came into this Union as a Free State and had little to do with the rest of our country's past in that regard. Not knowing this despot's history may unwittingly sport "his" flag on a license tag because of its' catchy motto. But one of my late uncle Alex (the author of ROOTS : An America Saga) Haley's most oft quoted sayings was "Find the good and praise it." So praises for the GOOD and worthy organizations that are the far dominance here for proud future Kansas representations on many vehicles! And to hell with sanctioning of the codification in Gadsden's ("Don't Tread on Me") flag as an "official" part of the history of Kansas; which he and his sordid, debauchery-of-a-legacy never actual was.—DAVID HALEY

On motion of Senator Alley, the Senate recessed until 5:00 p.m..

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **SB 26**.

The House adopts the Conference Committee report on **SB 38**.

The House adopts the Conference Committee report on **SB 142**.

The House adopts the Conference Committee report on **SB 143**.

The House adopts the Conference Committee report on **SB 175**.

The House nonconcurrs in Senate amendments to **HB 2405**, requests a conference and has appointed Representatives S. Johnson, Croft and Neighbor as conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **HB 2039**, and has appointed Representatives Huebert, Thomas and Stogsdill as Second conferees on the part of the House.

**ORIGINAL MOTION**

On motion of Senator Billinger, the Senate acceded to the request of the House for a conference on **HB 2405**.

The President appointed Senators Billinger, Claeys and Hawk as conferees on the part of the Senate.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub SB 26** 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 as House Substitute for Senate Bill No. 26, as follows:

On page 1, by striking all in lines 8 through 36;

On page 2, by striking all in lines 1 through 11; following line 11, by inserting:

"Section 1. K.S.A. 66-1,105 is hereby amended to read as follows: 66-1,105. The orders and decisions of the commission on the matters covered by this act shall be made in writing and copies of such decisions shall be served on motor carriers by electronic mail if authorized by the motor carrier or first class mail, except that orders and decisions potentially resulting in a negative impact upon any motor carrier's authority and initial orders in show cause proceedings shall be served by certified mail, return receipt requested. A motor carrier may, at any time, revoke the authorization to receive the orders and decisions through electronic mail provided by this section, and any orders or decisions of the commission after the date of the revocation shall be served by mail. Every order and decision of the commission on matters covered by this act shall become operative and effective within 30 days after service, and the motor carrier shall carry the provisions of the order into effect, unless the order is enjoined or set aside by a court of proper jurisdiction.

Sec. 2. K.S.A. 66-1,108 is hereby amended to read as follows: 66-1,108. As used in this act:

(a) "Commission" means the corporation commission of the state of Kansas;

~~(b) "ground water well drilling rigs" means any vehicle, machine, tractor, trailer, semi-trailer or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport water well field operating equipment, including~~

~~water well drilling and pump service rigs equipped to access ground water;~~

(e) "household goods" means property and personal effects used or to be used in a dwelling, when a part of the equipment or supply of such dwelling and such other similar property, as the commission may provide by rules and regulations, if the transportation of such effects or property is:

(1) Arranged and paid for by the householder, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in such householder's dwelling; or

(2) arranged and paid for by another party;

~~(b)(c)~~ "public motor carrier of household goods" means any person who undertakes for hire to transport by commercial motor vehicle, from place to place, the household goods of others who may choose to employ or contract with the motor carrier;

~~(e)(d)~~ "public motor carrier of passengers" means any person who undertakes for hire to transport by commercial motor vehicle, from place to place, persons who may choose to employ or contract with the motor carrier; and

~~(f)(e)~~ "public motor carrier of property" means any person who undertakes for hire to transport by commercial motor vehicle, from place to place, the property other than household goods of others who may choose to employ or contract with the motor carrier.

Sec. 3. K.S.A. 66-1,110 is hereby amended to read as follows: 66-1,110. All "public motor carriers of property, of household goods or of passengers" as defined in this act are hereby declared to be common carriers within the meaning of the public utility laws of this state, and are hereby declared to be affected with a public interest and subject to this act, to the extent not preempted by federal law, and to the laws of this state, including the regulation of all rates and charges now in force or that hereafter may be enacted, pertaining to public utilities and common carriers as far as applicable, and not in conflict.

Sec. 4. K.S.A. 66-1,111 is hereby amended to read as follows: 66-1,111. No public motor carrier of property or passengers or private motor carrier of property ~~or local cartage carrier~~ shall operate any motor vehicle for the transportation of either persons or property on any public highway in this state except in accordance with the provisions of this act, and amendments thereto, and other applicable laws.

Sec. 5. K.S.A. 66-1,112 is hereby amended to read as follows: 66-1,112. (a) The commission is hereby vested with power and authority and it shall be its duty to license, supervise and regulate every public motor carrier of property, of household goods or of passengers in this state, to the full extent not preempted by federal law, including fixing and approving reasonable maximum or minimum, or maximum and minimum rates, fares, charges, classifications and rules and regulations pertaining to the transportation of household goods or passengers as defined in 49 U.S.C. § 13102. The commission shall prescribe rules and regulations related to uniform cargo liability, uniform bills of lading, uniform cargo credit and antitrust immunity for joint-line rates and routes, classifications and mileage guides. The commission is hereby vested with power and authority and it shall be its duty to license, supervise and regulate every public motor carrier transporting property, household goods or passengers in this state, and to regulate and supervise the accounts, schedules, service and method of operation of same; ~~to prescribe a uniform system and classification of accounts to be used; to require the filing of annual and other reports and any other data;~~ and to supervise and regulate

public motor carriers transporting property, household goods or passengers in all matters affecting the relationship between such public motor carriers of property, of household goods or of passengers and the traveling and shipping public.

(b) The commission shall have power and authority, by general order or otherwise, to prescribe reasonable and necessary rules and regulations governing all such motor carriers. All laws relating to the powers, duties, authority and jurisdiction of the corporation commission over common carriers are hereby made applicable to all such motor carriers except as herein otherwise specifically provided.

(c) In order to insure nondiscriminatory, nonpreferential and just and reasonable rates, joint rates, fares, tolls, charges and exactions for all shippers, the commission shall establish rate-making procedures for all ~~motor common carriers~~ holders of a certificate of convenience and necessity, including collective rate-making procedures for joint consideration, initiation and establishment of such rates and charges for transporting household goods or passengers as defined in 49 U.S.C. § 13102. The commission shall prescribe reasonable rules and regulations related to uniform cargo liability, uniform bills of lading, uniform cargo credit and antitrust immunity for joint-line rates and routes, classifications and mileage guides. Joint and collective rate-making shall be limited to:

(1) That which is necessary to formulate one or more joint rates as such term is used in K.S.A. 66-117, and amendments thereto;

(2) general rate increases or decreases if the tariff proposal gives shippers, under procedures approved by the commission, at least 15 days' notice of the proposal and an opportunity to present comments on it before a tariff is filed with the commission and if discussion of such increases or decreases is related to industry average carrier costs and does not include discussion related exclusively to individual markets or particular single-line rates;

(3) ~~changes in commodity classifications;~~

(4) changes in tariff structures if discussion of such changes is related to industry average carrier costs and does not include discussion related exclusively to individual markets or particular single-line rates; and

(5)(4) publishing of tariffs, filing of independent actions for individual members and changes in rules and regulations ~~which that~~ are of at least substantially general application throughout the area in which where such changes will apply.

(d) The provisions of K.S.A. 50-101 et seq., and amendments thereto, shall not apply to the activities and procedures of persons, groups, agencies, bureaus or other entities where such activities and procedures have received approval by order of the commission under this statute.

Sec. 6. K.S.A. 66-1,112g is hereby amended to read as follows: 66-1,112g. The commission shall issue permits to private motor carriers of property and require ~~the filing of annual and other reports, and~~ such additional data as may be required by the commission in carrying out the provisions of this act. The commission may adopt rules and regulations relating to private motor carriers of property.

Sec. 7. K.S.A. 66-1,112j is hereby amended to read as follows: 66-1,112j. Upon failure to comply with the provisions of the motor carrier law or other laws of the state relating to motor carriers, or upon failure to comply with motor carrier rules and regulations of the commission, or ~~rules and regulations of the state property valuation department,~~ the department of revenue relating to taxation of motor carriers, ~~or the port~~

~~of entry board relating to motor carriers~~; the commission may suspend or completely revoke, at any time, any permit, certificate or interstate license after notice and an opportunity to be heard has been given to the grantee in accordance with the provisions of the Kansas administrative procedure act.

Sec. 8. K.S.A. 66-1,114 is hereby amended to read as follows: 66-1,114. (a) Except as hereinafter provided, it shall be unlawful for any public motor carrier to operate as a carrier of household goods or passengers in intrastate commerce within this state without first having obtained from the commission a certificate of convenience and necessity to transport household goods or passengers. ~~The commission, upon the filing of an application for a certificate, shall fix a time and place for hearing thereon, which shall be not less than 20 and not more than 60 days after the filing and shall be conducted in accordance with the provisions of the Kansas administrative procedure act. Notices of hearings shall be published electronically on the commission's web site within three days of the filing of the application. Any person may offer testimony at such hearing.~~ A motor carrier denied a certificate shall be afforded the opportunity of a hearing on the matter in accordance with the provisions of the Kansas administrative procedure act. If such hearing is requested, the hearing shall be held within 10 business days of the request.

(b) If the commission finds that the proposed service or any part thereof is proposed to be performed by the applicant, that the applicant is fit, willing and able to perform such service; and that the applicant is in compliance with the commission's safety rules and regulations, liability and cargo insurance requirements and other applicable state laws, the commission shall issue the certificate of convenience and necessity to transport household goods and passengers, except that if the commission finds that the proposed service is inconsistent with the public convenience and necessity, the commission shall not issue the certificate.

(c) Within 18 months of the issuance to a public motor carrier of a certificate of convenience and necessity to transport household goods or passengers, the commission shall verify that such public motor carrier continues to be fit, knowledgeable and in compliance with the commission's safety rules and regulations, liability ~~and cargo~~ insurance requirements and other applicable state laws.

Sec. 9. K.S.A. 66-1,114b is hereby amended to read as follows: 66-1,114b. (a) Except as hereinafter provided, it shall be unlawful for any public motor carrier to operate as a carrier of property other than household goods or ~~as a carrier of~~ passengers in intrastate commerce within this state without first having obtained from the commission a certificate of public service to transport property other than household goods or to transport passengers.

(b) The commission, upon the filing of an application for a certificate of public service, shall ascertain that the motor carrier is fit, knowledgeable and in compliance with the commission's safety rules and regulations, liability ~~and cargo~~ insurance requirements and other applicable state laws. Once a motor carrier submits a complete application demonstrating that the motor carrier is fit, knowledgeable and in compliance with the commission's safety rules and regulations, liability ~~and cargo~~ insurance requirements and other applicable state laws, the commission may issue that motor carrier a ~~30-day interim certificate of public service, signed and approved by the commission's executive director. A list of applications received shall be published electronically on the commission's web site, and shall state whether an interim~~

~~certificate has been granted to the applicant. Any person who opposes the grant of a certificate of public service to a motor carrier applicant shall have 30 days from the commission's grant of an interim certificate to file a written protest with the commission. If no protest against a motor carrier applicant is filed before the expiration of the 30-day interim certificate, the commission may issue the motor carrier applicant a permanent certificate, signed and approved by the commission's executive director. If the commission finds that an applicant is not fit, knowledgeable, or in compliance with the commission's safety rules and regulations, liability and cargo insurance requirements and other applicable state laws, an order shall be issued denying the application. If the commission deems it necessary, a hearing may be held on any application, and any commission decision on such application shall be issued by order certificate of public service. A motor carrier denied a certificate shall be afforded the opportunity of a hearing on the matter in accordance with the provisions of the Kansas administrative procedure act. If such a hearing is requested, the hearing shall be held within 10 business days of the request.~~

(c) Motor carriers holding a certificate of convenience and necessity to transport property other than household goods shall be considered as holding a certificate of public service to transport that property originally granted by the commission as a public motor carrier of property. Pursuant to federal law those motor carriers may transport that property originally granted by the commission statewide.

(d) Within 18 months of the issuance to a public motor carrier of a certificate of public service to transport property other than household goods or passengers, the commission shall verify that such public motor carrier continues to be fit, knowledgeable and in compliance with the commission's safety rules and regulations, liability ~~and cargo~~ insurance requirements and other applicable state laws.

Sec. 10. K.S.A. 66-1,116 is hereby amended to read as follows: 66-1,116. (a) It shall be unlawful for a public motor carrier of property, of household goods or of passengers to operate in interstate commerce regulated by the relevant federal agency without registering its motor vehicles in its base state pursuant to federal statutes in order to operate in Kansas.

(b) It shall be unlawful for a public motor carrier of property, of household goods or of passengers or a private motor carrier of property ~~which that~~ is exempt from federal regulations, to operate in interstate commerce within this state, without having furnished the commission, in writing, such information as the commission may request ~~covering observance of state police regulations~~ and the payments of the fees. This act shall apply to all persons and motor vehicles engaged in interstate commerce only to the extent permitted by the constitution and laws of the United States.

Sec. 11. K.S.A. 66-1,119 is hereby amended to read as follows: 66-1,119. ~~No public motor carrier authorized by this act to operate shall change, abandon or discontinue any service established by this act or operations under any certificate of convenience and necessity issued for carriers of household goods or passengers without consent of the commission after written application. Failure of any motor carrier to annually renew its authority, certificate or permit in a timely manner shall result in a termination of that motor carrier's authority by operation of law. A list of applications for changes to, abandonments of or discontinuances of any authority, as well as any abandonments of authority by operation of law for failure to renew, shall be published on the commission's web site.~~

Sec. 12. K.S.A. 66-1,141 is hereby amended to read as follows: 66-1,141. The provisions of K.S.A. 66-1,138; ~~and 66-1,139 and 66-1,140, and amendments thereto,~~ shall be ~~and shall be construed as supplemental to and as a part of~~ and supplemental to article 1 of chapter 66 of the Kansas Statutes Annotated, and ~~any acts amendatory thereof or supplemental amendments thereto.~~";

Also on page 2, in line 12, by striking "68-1022 is" and inserting "66-1,105, 66-1,108, 66-1,110, 66-1,111, 66-1,112, 66-1,112g, 66-1,112j, 66-1,114, 66-1,114b, 66-1,116, 66-1,118, 66-1,119, 66-1,119a, 66-1,140, 66-1,141 and 66-1,142d are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking lines 2 and 3; in line 4, by striking all before the semicolon and inserting "motor carriers; relating to the state corporation commission's regulation of motor carriers; updating and eliminating certain procedures for certificates of convenience and necessity and certificates of public service; revising certain laws to conform to federal regulation"; also in line 4, by striking "68-1022" and inserting "66-1,105, 66-1,108, 66-1,110, 66-1,111, 66-1,112, 66-1,112g, 66-1,112j, 66-1,114, 66-1,114b, 66-1,116, 66-1,119 and 66-1,141"; in line 5, by striking "section" and inserting "sections; also repealing K.S.A. 66-1,118, 66-1,119a, 66-1,140 and 66-1,142d";

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

RICHARD PROEHL  
LEO DELPERDANG  
HENRY HELGERSON

*Conferees on part of House*

MIKE PETERSEN  
J.R. CLAEYS  
TOM HAWK

*Conferees on part of Senate*

Senator Petersen moved the Senate adopt the Conference Committee Report on **H Sub SB 26**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 38** 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 2, following line 4, by inserting:

"Sec. 3. K.S.A. 2020 Supp. 2-1903 is hereby amended to read as follows: 2-1903. As used in this act:

(1) "District" or "conservation district" means a governmental subdivision of this state, and a public body corporate and politic, organized in accordance with the provisions of this act, for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

(2) "Supervisor" means one of the members of the governing body of a district, elected or appointed in accordance with the provisions of this act.

(3) "~~Commission~~ or ~~state conservation commission~~" means the conservation program policy board created in K.S.A. 2-1904, and amendments thereto, including the state conservation commission continued in existence by K.S.A. 74-5,128, and amendments thereto.

(4) "State" means the state of Kansas.

(5) "Agency of this state" includes the government of this state and any subdivision, agency or instrumentality, corporation or otherwise, of the government of this state.

(6) "United States" or "agencies of the United States" includes the United States of America, the ~~soil~~ natural resources conservation service of the United States department of agriculture and any other agency or instrumentality, corporate or otherwise, of the United States of America.

(7) "Government" or "governmental" includes the government of this state, the government of the United States and any subdivision, agency or instrumentality, corporate or otherwise, of either of them.

(8) "~~Division~~ or ~~division of conservation~~" means the agency division of conservation established within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto.

(9) "Director" means the executive director of the division.

(10) "Invasive plant species" means a species of plant not native to Kansas whose introduction, presence or spread does or is likely to cause economic harm, environmental harm or harm to human health.

(11) "Secretary" means the secretary of the Kansas department of agriculture.

Sec. 4. K.S.A. 2020 Supp. 2-1904 is hereby amended to read as follows: 2-1904. (a) There is hereby established, to serve as a conservation program policy board of the state and to perform the functions conferred upon it in this act, the state conservation commission. The state conservation commission shall succeed to all the powers, duties and property of the state soil conservation committee. The commission shall consist of nine members as follows:

(1) ~~The director of the cooperative extension service and the director of the state agricultural experiment station dean of the Kansas state university college of agriculture located at Manhattan, Kansas, or such persons' designees shall serve, ex officio, as shall appoint two designees to serve on the commission as members of the commission. One designee shall represent an agricultural experiment station and one shall represent the cooperative extension service.~~

(2) ~~The commission secretary shall request the secretary of agriculture of the United States of America to appoint one person, and the secretary of the Kansas department of agriculture to shall appoint one person, each of whom shall be residents~~

of the state of Kansas to serve as members of the commission. These members shall hold office for four years and until a successor is appointed and qualifies, with terms commencing on the second Monday in January beginning in 1973.

(3) Five members of the ~~state~~ commission shall be elected by the conservation district supervisors at a time and place to be designated by the ~~state conservation~~ commission. The method of electing such members to be conducted as follows: The state is to be divided into five separate areas. Area No. I to include the following counties: Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Osborne, Rooks, Graham, Sheridan, Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis and Russell. Area No. II to include: Greeley, Wichita, Scott, Lane, Ness, Rush, Pawnee, Hodgeman, Finney, Kearny, Hamilton, Edwards, Ford, Gray, Haskell, Grant, Stanton, Morton, Stevens, Seward, Meade, Clark, Comanche and Kiowa. Area No. III to include: Jewell, Republic, Mitchell, Cloud, Lincoln, Ottawa, Ellsworth, Saline, Rice, McPherson, Reno, Harvey, Kingman, Sedgwick, Sumner, Harper, Barber, Pratt, Barton and Stafford. Area No. IV to include: Washington, Marshall, Nemaha, Brown, Doniphan, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Wyandotte, Johnson, Douglas, Shawnee, Wabaunsee, Geary, Dickinson, Morris, Osage, Franklin and Miami. Area No. V to include: Marion, Chase, Lyon, Coffey, Anderson, Linn, Bourbon, Allen, Woodson, Greenwood, Butler, Elk, Wilson, Neosho, Crawford, Cowley, Chautauqua, Montgomery, Labette and Cherokee. Areas II and IV ~~will shall~~ elect members in even-number even-numbered years and Areas I, III and V shall elect members in odd-number odd-numbered years for ~~two-year two-year~~ terms. The elected commission members from Areas I, III and V shall take office on January 1; of the ~~even-number even-numbered~~ years. The remaining two elected members of the state commission from Areas II and IV shall take office on January 1; of the ~~odd-number odd-numbered~~ years. The method of election is to be by area caucus of the district supervisors of each of the five separate areas of Kansas. The commission shall give each district notice of the time and place of such annual election meeting by letter if a member is to be elected to the commission from that area that year. The selection of a successor to fill an unexpired term shall be by appointment by the commission. The successor who is appointed to fill the unexpired term shall be a resident of the same area as that of the predecessor.

(b) The commission shall keep a record of its official actions; ~~and shall adopt a seal which seal shall be judicially noticed, and may perform such acts, hold such public hearings and adopt~~ review all rules and regulations proposed by the division that are necessary for the execution of its the division's functions under this act.

(c) In addition to the powers and duties conferred in this section, the ~~state conservation~~ commission shall have the powers and duties not delegated to the ~~Kansas department of agriculture division of conservation~~ pursuant to K.S.A. 74-5,126, and amendments thereto.

(d) The commission shall designate its chairperson and, from time to time, may change such designation. A majority of the commission shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for its determination. Members of the ~~state conservation~~ commission attending meetings of such commission or attending a subcommittee meeting thereof authorized by such commission shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. The commission shall provide for keeping of a full and accurate record of all proceedings and of all

resolutions, rules and regulations and orders issued or adopted.

(e) ~~The state conservation~~ commission together with the ~~Kansas department of agriculture~~ division of conservation shall make conservation program policy decisions to be approved by the secretary, including modification of current conservation programs, creation of new conservation programs and annual budget recommendations.

(f) ~~The Kansas department of agriculture~~ division of conservation in consultation with the ~~state conservation~~ commission shall have the following duties and powers:

(1) To offer such assistance as may be appropriate to the supervisors of conservation districts, organized as provided hereinafter, in the carrying out of any of their powers and programs;

(2) to keep the supervisors of each of the several districts organized under the provisions of this act informed of the activities and experience of all other districts organized hereunder and to facilitate an interchange of advice and experience between such districts and cooperation between them;

(3) to coordinate the programs of the several conservation districts organized hereunder;

(4) to secure the cooperation and assistance of the United States and any of its agencies and of agencies of this state, in the work of such districts and to contract with or to accept donations, grants, gifts and contributions in money, services or otherwise from the United States or any of its agencies or from the state or any of its agencies in order to carry out the purposes of this act;

(5) to disseminate information throughout the state concerning the activities and programs of the conservation districts organized hereunder and to encourage the formation of such districts in areas where their organization is desirable;

(6) to cooperate with and give assistance to watershed districts and other special purpose districts in the state of Kansas for the purpose of cooperating with the United States through the secretary of agriculture in the furtherance of conservation pursuant to the provisions of the watershed protection and flood prevention act, as amended;

(7) to cooperate in and carry out, in accordance with state policies, activities and programs to conserve and develop the water resources of the state and maintain and improve the quality of such water resources;

(8) to enlist the cooperation and collaboration of state, federal, regional, interstate, local, public and private agencies with the conservation districts;

(9) to facilitate arrangements under which conservation districts may serve county governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation of natural resources; and

(10) to take such actions as are necessary to restore, establish, enhance and protect natural resources with conservation easements for the purpose of compensatory mitigation required under section 404 of the federal clean water act, including:

(A) Accepting, purchasing or otherwise acquiring conservation easements, as defined in K.S.A. 58-3810, and amendments thereto, on behalf of watershed districts for the purpose of protecting compensatory mitigation sites;

(B) contracting with engineering consultants, surveyors and construction contractors for the purpose of restoration, establishment and enhancement of natural resources; and

(C) establishing fees for the acquisition and administration of conservation easements held on behalf of watershed districts, accepting such fees from state and local

government agencies, and assuming responsibility to ensure the terms of the conservation easement are met, as approved by the department, for the length of term of the easement for which fees have been accepted.

(g) There is hereby established in the state treasury the compensatory mitigation fund, ~~which shall to~~ be administered by the department of agriculture. All expenditures from the compensatory mitigation fund shall be for conservation. All expenditures from the compensatory mitigation fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or the designee of the secretary. The secretary of agriculture shall remit all moneys received by or for the secretary under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the compensatory mitigation fund.

(h) All costs associated with compensatory mitigation, including, but not limited to, the costs of any litigation or civil fines or penalties, shall be paid by the watershed district for which the ~~Kansas department of agriculture division of conservation~~ holds the conservation easement.

(i) (1) Except as provided in ~~subsection (i) paragraph (2)~~, the Kansas department of agriculture shall not expend moneys appropriated from the state general fund or from any special revenue fund or funds for the purpose of accepting, purchasing or otherwise acquiring conservation easements on behalf of watershed districts.

(2) The Kansas department of agriculture may expend moneys in the compensatory mitigation fund established by this section for the purpose of accepting, purchasing or otherwise acquiring conservation easements on behalf of watershed districts and for the administration of such conservation easements.

(j) ~~The Kansas department of agriculture division of conservation~~ shall not accept, purchase or otherwise acquire any conservation easement other than for the purposes of this section.

Sec. 5. K.S.A. 2020 Supp. 2-1907 is hereby amended to read as follows: 2-1907. The governing body of the district shall consist of five supervisors who are qualified electors residing within the district. The supervisors who are first elected shall serve for terms of one, two and three years according to the following plan: The two persons receiving the highest number of votes in the election shall hold office for three years; the two persons receiving the next highest number of votes shall hold such office for a term of two years; and the remaining supervisor shall hold office for a term of one year. In the event of a tie vote, such terms shall be decided by lot. Nothing in this section shall be construed as affecting the length of the term of supervisors holding office on January 1, 1995. Successors to such persons shall be elected for terms of three years. An annual meeting of all qualified electors of the district shall be held in the month of January or February. Notice of the time and place of such meeting shall be given by such supervisors by publishing a notice in the official county paper once each week for two consecutive weeks prior to the week in which such meeting is to be held. At such meeting the supervisors shall make full and due report of their activities and financial affairs since the last annual meeting and shall conduct an election by secret ballot of all of the qualified electors of the district there present for the election of supervisors whose terms have expired. Whenever a vacancy occurs in the membership of the governing body the remaining supervisors of the district shall appoint a qualified elector

of the district to fill the office for the unexpired term. The supervisors shall designate a chairperson and may from time to time change such designation. A supervisor shall hold office until a successor has been elected or appointed and has qualified. A majority of the supervisors shall constitute a quorum and the concurrence of a majority of the supervisors in any matter within their duties shall be required for its determination. A supervisor shall receive no compensation for services, but may be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of duties. The supervisors may employ a secretary, technical experts; and such other officers, agents; and employees, permanent and temporary, as they may require, and shall determine their qualifications, duties and compensation. The supervisors may call upon the county attorney of the county in which a major portion of the district lies, or the attorney general for such legal services as they may require. The supervisors may delegate to their chairperson, to one or more supervisors, or to one or more agents, or employees such powers and duties as they may deem proper. The supervisors shall furnish to the ~~Kansas department of agriculture~~ division of conservation, upon request, copies of such rules, regulations, orders, contracts, forms, and other documents as they shall adopt or employ, and such other information concerning their activities as it may require in the performance of its duties under this act. The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of the accounts and receipts and disbursements. Any supervisor may be removed by the ~~state conservation~~ secretary in consultation with the commission upon notice and hearing in accordance with the provisions of the Kansas administrative procedure act; for neglect of duty or malfeasance in office, but for no other reason. The supervisors may invite the legislative body of any municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy ~~which~~ that may affect the property, water supply; or other interests of such municipality or county.

Sec. 6. K.S.A. 2020 Supp. 2-1907c is hereby amended to read as follows: 2-1907c. On or before September 1 of each year, each conservation district shall submit to the ~~Kansas department of agriculture~~ division of conservation a certification of the amount of money to be furnished by the county commissioners for conservation district activities for the ensuing calendar year. Such amount shall be the same as authorized for such purposes in each approved county budget. For the purpose of providing state financial assistance to conservation districts, the ~~Kansas department of agriculture~~ division of conservation in the regular budget request, as a line item for the forthcoming fiscal year, shall submit a special request for an amount equal to the sum of the allocations of each county to each conservation district, but in no event to exceed the sum of \$25,000 per district. This \$25,000 limitation shall be applicable for fiscal year 2008, and thereafter, subject to appropriations therefor. The ~~Kansas department of agriculture~~ division of conservation, as soon as practicable after July 1 of the following year, shall disburse such moneys as may be appropriated by the state for this purpose to each conservation district to match funds allocated by the commissioners of each county. Distribution shall be prorated in proportion to county allocations in the event that appropriations are insufficient for complete matching of funds. Municipal

accounting procedures shall be used in the distribution of and in the expenditure of all funds.

Sec. 7. K.S.A. 2020 Supp. 2-1908 is hereby amended to read as follows: 2-1908. A conservation district organized under the provisions of K.S.A. 2-1901 et seq., and amendments thereto, shall constitute a governmental subdivision of this state; and a public body corporate and politic, exercising public powers, and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this act:

(a) To conduct surveys, investigations; and research relating to the character of soil erosion, soil and grassland health, flood damage, water quality and the preventive and control measures needed, to publish the results of such surveys, investigations, or research, and to disseminate information concerning such preventive and control measures. In order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or any of its agencies; or with the United States or any of its agencies;

(b) to conduct demonstrational projects within the district on lands, owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands, in order to demonstrate by example the means, methods; and measures by which soil and soil resources may be conserved, and soil erosion in the form of soil blowing and soil washing may be prevented and controlled; and to demonstrate by example, the means, methods; and measures by which water and water resources may be conserved, developed, used and disposed of to alleviate ~~drought~~ drought, to maintain and improve water quality and to reduce flooding and impaired drainage;

(c) to carry out preventive and control measures within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land; and the measures listed in subsection C of K.S.A. 2-1902, and amendments thereto, on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands;

(d) to cooperate; or enter into agreements with, and within the limitations of appropriations duly made available to it by law, to furnish financial or other aid to, any agency, governmental or otherwise, or any occupier of lands within the district, in the carrying on of erosion-control flood prevention, soil and grassland health initiatives, water quality and water management operations within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this act;

(e) to obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise; or otherwise, any property, real or personal, or rights or interest therein; to maintain, administer; and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this act; and to sell, lease; or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this act;

(f) to make available, on such terms as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds; and

seedlings, and such other material or equipment, as will assist such land occupiers to carry on operations upon their lands for the conservation of soil resources, soil and grassland health, protection of water quality and for the prevention and control of soil erosion;

(g) to develop comprehensive plans for the conservation of soil and water resources and for the control and prevention of soil erosion, flood damages, impaired drainage, the effects of ~~drouth~~ drought within the district and the maintenance and improvement of water quality, ~~which with such plans shall specify~~ specifying in such detail as may be possible, the acts, procedures, performances; and avoidances ~~which that~~ are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices; and changes in use of land, and to publish such plans and information and bring them to the attention of occupiers of lands within the district;

(h) to take over, by purchase, lease, gift or ~~otherwise~~ donation, and to administer, any soil-conservation, erosion-control, ~~or soil and grassland health~~, erosion-prevention, flood prevention, water quality or water management project located within its boundaries undertaken by the United States or any of its agencies, or by this state or any of its agencies subject to the authority of the authorizing state or federal agency; to manage, as agent of the United States or any of its agencies, or of this state or any of its agencies, any soil-conservation, erosion-control, or erosion-prevention, flood prevention or water management project within its boundaries; to act for the district or as agent for the United States, or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation, maintenance, or administration of any soil-conservation, erosion-control, ~~or soil and grassland health~~, erosion-prevention, flood prevention, water quality or water management project within its boundaries; to accept donations, gifts; and contributions in money, services, materials; or otherwise, from the United States or any of its agencies, or from this state or any of its agencies, and from persons, firms, corporations or associations, and to use or expend such moneys, services, materials; or other contributions in carrying on its operations;

(i) to sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, rules and regulations not inconsistent with this act, to carry into effect its purposes and powers;

(j) as a condition to the extending of any benefits under this act, to or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the supervisors may require contributions in money, services, materials; or otherwise to any operations conferring such benefits, and may require land occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon;

(k) no provisions with respect to the acquisition, operation; or disposition of property by other public bodies shall be applicable to a district organized hereunder unless the legislature shall specifically so state;

(l) the supervisors of any district shall not contract debts or obligations in the name of the district beyond the current appropriation made available to the district by the

~~committee division~~ or federal grants or other financial sources;

(m) to accept and expend funds donated to the district for purposes of providing at least 20% cost-share for the purchase of an eligible water right from the holder of the water right under the provisions of K.S.A. 2-1915, and amendments thereto; and

(n) to control ~~and eradicate sericea lespedeza~~ invasive species within the district ~~in any county that the secretary of agriculture has designated as a sericea lespedeza disaster area.~~

Sec. 8. K.S.A. 2020 Supp. 2-1915 is hereby amended to read as follows: 2-1915.

(a) (1) Appropriations may be made for grants out of funds in the treasury of this state for:

(A) Terraces, terrace outlets, check dams, dikes, ponds, ditches, critical area planting, grassed waterways, ~~tailwater recovery irrigation systems~~ irrigation technology, precision land forming, range seeding, soil and grassland health, detention and grade stabilization structures and other enduring water conservation and water quality practices installed on public lands and on privately owned lands; and;

(B) ~~the control and eradication of sericea lespedeza as provided in subsection (n) of K.S.A. 2-1908, and amendments thereto,~~ invasive species on public lands and on privately owned lands.

(2) Except as provided by the multipurpose small lakes program act and other programs approved by the secretary, any such grant shall not exceed 80% of the total cost of any such practice.

(b) A program for protection of riparian and wetland areas shall be developed by ~~the Kansas department of agriculture division of conservation~~ and implemented by the conservation districts. The conservation districts shall prepare district programs to address resource management concerns of water quality, erosion and sediment control and wildlife habitat as part of the conservation district long-range and annual work plans. Preparation and implementation of conservation district programs shall be accomplished with assistance from appropriate state and federal agencies involved in resource management.

(c) Subject to the provisions of K.S.A. 2-1919, and amendments thereto, any holder of a water right, as defined by ~~subsection (g) of K.S.A. 82a-701(g)~~, and amendments thereto, who is willing to voluntarily return all or a part of the water right to the state shall be eligible for a grant not to exceed 80% of the total cost of the purchase price for such water right. ~~The Kansas department of agriculture division of conservation~~ shall administer this cost-share program with funds appropriated by the legislature for such purpose. The chief engineer shall certify to ~~the Kansas department of agriculture division of conservation~~ that any water right for which application for cost-share is received under this section is eligible in accordance with the criteria established in K.S.A. 2-1919, and amendments thereto.

(d) (1) Subject to appropriation acts therefor, ~~the Kansas department of agriculture division of conservation~~ shall develop the Kansas water quality buffer initiative for the purpose of restoring riparian areas using best management practices. ~~The executive director of the Kansas department of agriculture division of conservation~~ shall ensure that the initiative is complementary to the federal conservation reserve program and update any applicable standards from time to time as necessary for the continued success of the program.

(2) There is hereby created in the state treasury the Kansas water quality buffer

initiative fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the ~~executive director of the Kansas department of agriculture division of conservation~~ or the executive director's designee. ~~Money~~ Moneys credited to the fund shall be used for the purpose of making grants to install water quality best management practices pursuant to the initiative.

(3) The county or district appraiser shall identify and map riparian buffers consisting of at least one contiguous acre per parcel of real property located in the appraiser's county. Notwithstanding any other provisions of law, riparian buffers shall be valued by the county or district appraiser as tame grass land, native grass land or waste land, as appropriate. As used in this ~~subsection (3) paragraph~~, "riparian buffer" means an area of stream-side vegetation that: (A) Consists of tame or native grass and may include forbs and woody plants; (B) is located along a perennial or intermittent stream, including the stream bank and adjoining floodplain; and (C) is a minimum of 66 feet wide and a maximum of 180 feet wide.

(e) ~~The Kansas department of agriculture division of conservation, with the approval of the state conservation commission secretary, shall adopt rules and regulations to administer such grant and protection programs. Prior to submission of any proposed rules and regulations of the division to the director of the budget, the secretary of administration and the attorney general in accordance with the rules and regulations filing act, K.S.A. 77-415 et seq., and amendments thereto:~~

(1) The director shall submit such proposed rules and regulations to the commission; and

(2) the commission shall review and make recommendations to the director and the secretary regarding such proposed rules and regulations.

(f) Any district is authorized to make use of any assistance whatsoever given by the United States, or any agency thereof, or derived from any other source, for the planning and installation of such practices. ~~The Kansas department of agriculture division of conservation~~ may enter into agreements with other state and federal agencies to implement the Kansas water quality buffer initiative.

Sec. 9. K.S.A. 2-1916 is hereby amended to read as follows: 2-1916. At any time after five ~~(5)~~ years after the organization of a district under the provisions of this act, ~~ten percent (10%)~~ of the occupiers of land lying within the boundaries of such district may file a petition with the ~~state soil conservation committee division~~ division praying that the operations of the district be terminated and the existence of the district discontinued. ~~The committee division~~ may conduct such public meetings and public hearings upon such petition as may be necessary to assist it in the consideration thereof. Within ~~sixty (60)~~ days after such a petition has been received by the ~~committee it division, the division~~ shall give due notice of the holding of a referendum, and shall supervise such referendum, and issue appropriate regulations governing the conduct thereof, the question to be submitted by ballots upon which the words "For terminating the existence of the \_\_\_\_\_ (name of the soil conservation district to be here inserted)" and "against terminating the existence of the \_\_\_\_\_ (name of the soil conservation district to be here inserted)" shall be printed, with a square before each proposition and a direction to insert an × mark in the square before one or the other of said propositions as the voter may favor or oppose discontinuance of such district. All occupiers of lands lying within the boundaries of the district shall be eligible to vote in

such referendum. Only such land occupiers shall be eligible to vote. No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate said referendum or the result thereof if notice thereof shall have been given substantially as herein provided and said referendum shall have been fairly conducted. The ~~committee~~ division shall publish the result of such referendum and shall thereafter consider and determine whether the continued operation of the district within the defined boundaries is administratively practicable and feasible. If the ~~committee~~ division shall determine that the continued operation of such district is administratively practicable and feasible, it shall record such determination and deny the petition. If the ~~committee~~ division shall determine that the continued operation of such district is not administratively practicable and feasible, it shall record such determination and shall certify such determination to the supervisors of the district. In making such determination, the ~~committee~~ division shall give due regard and weight to the attitudes of the occupiers of lands lying within the district, the number of land occupiers eligible to vote in such referendum who shall have voted, the proportion of the votes in such referendum in favor of the discontinuance of the district to the total number of votes cast, the approximate wealth and income of the land occupiers of the district, the probable expense of carrying on erosion control operations within such district; and such other economic and social factors as may be relevant to such determination, having due regard to the legislative findings set forth in K.S.A. 2-1902: ~~Provided, however, and amendments thereto, except~~ that the ~~committee~~ division shall not have authority to determine that the continued operation of the district is administratively practicable and feasible unless a majority of the votes cast in the referendum shall have been cast in favor of the continuance of such district.

Upon receipt from the ~~state soil conservation committee~~ division of certification that the ~~committee~~ division has determined that the continued operation of the district is not administratively practicable and feasible, pursuant to the provisions of this section, the supervisors shall ~~forthwith~~ immediately proceed to terminate the affairs of the district. The supervisors shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of such sale to be covered into the state treasury. The supervisors shall thereupon file an application, duly verified, with the secretary of state for the discontinuance of such district; and shall transmit with such application the certificate of the ~~state soil conservation committee~~ division setting forth the determination of the ~~committee~~ division that the continued operation of such district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid over as in this section provided, and shall set forth a full accounting of such properties and proceeds of the sale. The secretary of state shall issue to the supervisors a certificate of dissolution and shall record such certificate in an appropriate book of record in ~~his or her~~ the secretary of state's office.

Upon issuance of a certificate of dissolution under the provisions of this section, all ordinances and regulations ~~theretofore~~ adopted and in force within such districts shall be of no further force and effect. All contracts ~~theretofore entered into~~, to which the district or supervisors are parties; shall remain in force and effect for the period provided in such contracts. The ~~state soil conservation committee~~ division shall be substituted for the district or supervisors as party to such contracts. The ~~committee~~ division shall be entitled to all benefits and subject to all liabilities under such contracts

and shall have the same right and liability to perform, to require performance, to sue and be sued thereon; and to modify or terminate such contracts by mutual consent or otherwise, as the supervisors of the district would have had. Such dissolution shall not affect the lien of any judgment entered under the provisions of K.S.A. 2-1911, prior to its repeal, nor the pendency of any action instituted under the provisions of such section, and the committee shall succeed to all the rights and obligations of the district or supervisors as to such liens and actions. The state soil conservation committee shall not entertain petitions for the discontinuance of any district nor conduct referenda upon such petitions nor make determinations pursuant to such petitions in accordance with the provisions of this act, more often than once in five (5) years.

Sec. 10. K.S.A. 2020 Supp. 2-1930 is hereby amended to read as follows: 2-1930. (a) As used in this section:

(1) "Division" means ~~the Kansas department of agriculture~~ division of conservation established within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto;

(2) "historic consumptive water use" means an amount of use of a water right as calculated pursuant to subsection (k); and

(3) "program" means the water right transition assistance program.

(b) There is hereby established the water right transition assistance program. The program shall be administered by ~~the Kansas department of agriculture division of conservation~~. The Kansas department of agriculture division of water resources and recognized local governing agencies, including groundwater management districts, shall cooperate in program implementation. The program shall be administered for the purpose of reducing historic consumptive water use in the target or high priority areas of the state by issuing water right transition grants based on competitive bids for privately held water rights.

(c) (1) The division may receive and expend funds from the federal or state government; or a private source for the purpose of carrying out the provisions of this section. The division shall carry over unexpended funds from one fiscal year to the next.

(2) The maximum amount paid by the division shall not exceed a base rate per acre-foot of historic consumptive water use made available under the water right to be dismissed or permanently reduced. ~~The state conservation division, in consultation with~~ the commission, shall establish an annual base rate after considering recommendations from the chief engineer and the groundwater management districts regarding market conditions.

(d) The division may enter into water right transition assistance program contracts with landowners that will result in the permanent reduction of part or all of a landowner's historic consumptive water use by action of the chief engineer as provided for in subsection (f).

(e) All applications for permanent irrigation water right retirements shall be considered for funding. Permanent retirement of partial water rights shall only be approved by the Kansas department of agriculture division of water resources when the local groundwater management district has the metering and monitoring capabilities necessary to ensure compliance with the program.

(f) Applications for permanent water right retirement shall be prioritized for payment based on the following criteria:

(1) The applicant's bid price;

(2) the timing and extent of the impact of the application on aquifer restoration or stream recovery;

(3) the impact on local water management strategies designated by the board of each groundwater management district or by the chief engineer for each target area; and

(4) where rights with similar hydrologic impacts are considered, priority should be given to the senior right as determined under the Kansas water appropriation act.

(g) Water rights enrolled in the program for permanent retirement shall require the written consent of all landowners and authorized agents to voluntarily request permanent reduction or permanent dismissal and forfeiture of priority of the enrolled water right. Upon enrollment of the water right into the program, the chief engineer of the Kansas department of agriculture division of water resources shall concurrently permanently reduce or permanently dismiss and terminate the water right in accordance with the terms of the contract.

(h) (1) The division shall make water right transition grants available only in areas that have been designated as:

(A) Target areas by the groundwater management districts and the chief engineer of the Kansas department of agriculture division of water resources; or

(B) target areas outside the groundwater management districts by the chief engineer of the Kansas department of agriculture division of water resources.

(2) Each target area shall be in a groundwater aquifer, aquifer sub-unit, surface water basin, subbasin or stream reach that the chief engineer has closed to further appropriations except for domestic use, temporary permits, term permits for five years or less and small-use exemptions for 15 acre-feet or less, if the use, permit or exemption does not conflict with this program.

(3) The designation of each target area shall include the identification of a historic consumptive water use retirement goal. When such goal is reached, the target area ~~will~~ shall be delisted.

(4) The designation of each target area shall include the identification of sub-regions ~~which that~~ that are to be prioritized for retirements among competing bids.

(i) Contracts accepted under the program shall result in a net reduction in historic consumptive water use in the target area. Except as provided for in subsections (l) and (m), once a water right transition assistance program grant has been provided, the land authorized to be irrigated by the water right or water rights associated with that grant shall not be irrigated permanently. Water right transition assistance program contracts shall be subject to such terms, conditions and limitations as may be necessary to ensure that such reduction in historic consumptive water use occurs and can be adequately monitored and enforced.

(j) Only vested or certified water rights ~~which that~~ that are in good standing shall be eligible for water right retirement grants.

(k) (1) The historic consumptive water use of a water right shall be determined by either:

(A) Calculating the average amount of water consumed by crops as a result of the lawful beneficial use of water during the 10 preceding calendar years of actual irrigation and multiplying the average reported water use for the 10 selected years by a factor of 0.85 for center pivot sprinkler irrigation systems, 0.75 for flood or gravity irrigation systems and 0.95 for subsurface drip irrigation systems, but not to exceed the net irrigation requirements for the 50% chance rainfall for the appropriate county as shown

in K.A.R. 5-5-12; or

(B) calculating the available pumping capacity of a water right by multiplying a flow rate test for each point of diversion applied to be retired under the water right by a theoretical pumping duration of 100 days multiplied by an efficiency factor of 0.85 for center pivot sprinkler irrigation systems, 0.75 for flood or gravity irrigation systems and 0.95 for subsurface drop irrigation systems, but not to exceed the authorized quantity of the water right or the net irrigation requirements for the 50% chance rainfall for the appropriate county as shown in K.A.R. 5-5-12. Flow rate tests must have been conducted not less than one year prior to the application date and certified as acceptable by the local groundwater management district or the chief engineer; or

(2) The applicant may also submit an engineering study that determines the average historic consumptive water use as an alternative method if it is demonstrated to be more accurate for the water right or water rights involved.

(l) Enrollment of an entire water right or a portion of a water right where land associated with the quantity is being permanently reduced from the water right in the program shall not subsequently prohibit irrigation of the land that, prior to enrollment, was authorized by the water right or water rights if irrigation can be lawfully allowed by another water right or permit pursuant to the rules and regulations and consideration of any future changes to other water rights that may be proposed to be transferred to such land.

(m) If more than one water right overlaps the place of use authorized by the water right proposed to be enrolled in the program, then all overlapping water rights shall be enrolled in the program or the landowners shall take the necessary lawful steps to eliminate the overlap with the water right to be enrolled. The burden shall be on the landowner to provide sufficient information to substantiate that the proposed use of water by the resulting exercise of all water rights involved will result in the net reduction amount of historic consumptive water use by the water right or water rights to be enrolled. The division may require such documentation to be provided by someone with special knowledge or experience related to water rights and such operations.

(n) The division shall adopt rules and regulations as necessary for the administration of this section. When adopting such rules and regulations, the division shall consider cropping, system design, metered water use and all other pertinent information that will permit a verifiable reduction in historic consumptive water use and permit alternative crop or other use of the land so that the landowner's economic opportunities are taken into account.

(o) The division shall hold a meeting in each target area designated after July 1, 2012, prior to entering into any water right transition assistance program contract for the permanent retirement of part or all of landowner water rights in such target area. Such meetings shall inform the public of the possible economic and hydrologic impacts of the program. The division shall provide notice of such meetings through publication in local newspapers of record and in the Kansas register.

(p) The provisions of this section shall expire on July 1, 2022.

Sec. 11. K.S.A. 2020 Supp. 2-1931 is hereby amended to read as follows: 2-1931.

(a) Any person who commits any of the following may incur a civil penalty as provided by this section:

(1) Any violation of the Kansas water right transition assistance program act or any rule and regulation adopted thereunder; and

(2) any violation of term, condition or limitation defined and or imposed within the contractual agreement between the ~~Kansas department of agriculture~~ ~~division of conservation~~ and the water right owner.

(b) Any participant who violates any section of a water right transition assistance program contract shall be subject to either one or both of the following:

(1) A civil penalty of not less than \$100 nor more than \$1,000 per violation. Each day shall constitute a separate violation for purposes of this section; and

(2) repayment of the grant amount in its entirety plus a penalty at 6% of the full grant amount.

(c) Any penalties or reimbursements received under this act shall be reappropriated for use in the water right transition assistance program.

(d) No civil penalty or order for repayment shall be imposed except upon the written order of the secretary or the secretary's designee. Such order shall state the violation, the penalty to be imposed and the right of the person to appeal to the secretary. Any person, within 15 calendar days after notification, may make written request to the secretary for a hearing in accordance with the provisions of the Kansas administrative procedure act. The secretary shall affirm, reverse or modify the order and shall specify the reason therefor.

(e) Any person aggrieved by an order of the secretary made under this section may appeal such order to the district court in the manner provided by the Kansas judicial review act.

(f) The provisions of this section shall expire on July 1, 2022.

Sec. 12. K.S.A. 2020 Supp. 2-1933 is hereby amended to read as follows: 2-1933.

(a) As used in this section, "division" means the ~~Kansas department of agriculture~~ division of conservation established within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto.

(b) The division shall administer the conservation reserve enhancement program (CREP) on behalf of the state of Kansas pursuant to agreements with the United States department of agriculture for the purpose of implementing beneficial water quality and water quantity projects concerning targeted watersheds to be enrolled in CREP.

(c) There is hereby established in the state treasury the Kansas conservation reserve enhancement program fund, which shall be administered by the division. All expenditures from the Kansas conservation reserve enhancement program fund shall be for the implementation of CREP pursuant to agreements between the state of Kansas and the United States department of agriculture. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or by the secretary's designee.

(d) The division may request the assistance of other state agencies, Kansas state university, local governments and private entities in the implementation of CREP.

(e) The division may receive and expend moneys from the federal or state government or private sources for the purpose of carrying out the provisions of this section. All moneys received 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 Kansas conservation reserve enhancement program fund. The division shall carry over unexpended moneys in the Kansas conservation reserve enhancement

program fund from one fiscal year to the next.

(f) The division may enter into cost-share contracts with landowners that will result in fulfilling specific objectives of projects approved in agreements between the United States department of agriculture and the state of Kansas.

(g) The division shall administer all CREPs in Kansas subject to the following criteria:

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

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

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

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

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

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

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

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

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

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

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

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

(i) (1) The Kansas department of agriculture shall submit a CREP report to the senate committee on agriculture and natural resources and the house committee on

agriculture ~~and natural resources~~ at the beginning of each annual regular session of the legislature ~~which shall contain~~ containing a description of program activities for each CREP administered in the state ~~and shall include~~ including:

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

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

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

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

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

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

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

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

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

(j) The Kansas department of agriculture shall submit a report on the economic impact of each specific CREP to the senate committee on agriculture and natural resources and the house of representatives committee on ~~agriculture and natural resources~~ every five years, beginning in 2017. The report shall include economic impacts to businesses located within each specific CREP region.";

On page 4, following line 29, by inserting:

"Sec. 15. K.S.A. 2020 Supp. 49-603 is hereby amended to read as follows: 49-603. As used in this act:

(a) "Director" means the executive director of the ~~Kansas department of agriculture~~ division of ~~conservation~~ or a designee.

(b) "Affected land" means the area of land from which overburden has been removed or upon which overburden has been deposited, or both, but shall not include crushing areas, stockpile areas or roads.

(c) "Commission" means the conservation program policy board created in K.S.A. 2-1904, and amendments thereto, including the state conservation commission continued in existence by K.S.A. 74-5,128, and amendments thereto.

(d) "Mine" means any underground or surface mine developed and operated for the purpose of extracting rocks, minerals and industrial materials, other than coal, oil and gas. Mine does not include borrow areas created for construction purposes.

(e) "Operator" means any person who engages in surface mining or operation of an underground mine or mines.

(f) "Overburden" means all of the earth and other materials ~~which that~~ lie above the natural deposits of material being mined or to be mined.

(g) "Peak" means a projecting point of overburden removed from its natural position and deposited elsewhere in the process of surface mining.

(h) "Pit" means a tract of land from which overburden has been or is being removed for the purpose of surface mining.

(i) "Ridge" means a lengthened elevation of overburden removed from its natural position and deposited elsewhere in the process of surface mining.

(j) (1) "Surface mining" means the mining of material, except for coal, oil and gas, for sale or for processing or for consumption in the regular operation of a business by removing the overburden lying above natural deposits and mining directly from the natural deposits exposed, or by mining directly from deposits lying exposed in their natural state, or the surface effects of underground mining. Surface mining shall include dredge operations lying outside the high banks of streams and rivers.

(2) Removal of overburden and mining of limited amounts of any materials shall not be considered surface mining when done only for the purpose and to the extent necessary to determine the location, quantity or quality of the natural deposit, if the materials removed during exploratory excavation or mining are not sold, processed for sale or consumed in the regular operation of a business.

(k) "Topsoil" means the natural medium located at the land surface with favorable characteristics for growth of vegetation, which is normally the A or B, or both, soil horizon layers of the four soil horizons.

(l) "Active site" means a site where surface mining is being conducted.

(m) "Inactive site" means a site where surface mining is not being conducted but where overburden has been disturbed in the past for the purpose of conducting surface mining and an operator anticipates conducting further surface mining operations in the future.

(n) "Materials" means natural deposits of gypsum, clay, stone, sandstone, sand, shale, silt, gravel, volcanic ash or any other minerals of commercial value found on or in the earth with the exception of coal, oil and gas and those located within cut and fill portions of road rights-of-way.

(o) "Reclamation" means the reconditioning of the area of land affected by surface mining to a usable condition for agricultural, recreational or other use.

(p) "Stockpile" means the finished products of the mining of gypsum, clay, shale, stone, sandstone, sand, silt, gravel, volcanic ash or other minerals and removal from its natural position and deposited elsewhere for future use in the normal operation as a business.

(q) "Underground mining" means the extraction of rocks, minerals and industrial materials, other than coal, oil and gas, from the earth by developing entries or shafts from the surface to the seam or deposit before recovering the product by underground extraction methods.

(r) "Person" means any individual, firm, partnership, corporation, government or other entity.

(s) "~~Division~~—or "~~Kansas department of agriculture division of conservation~~" means the agency division of conservation established by within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto.

(t) "Secretary" means the Kansas secretary of agriculture.

Sec. 16. K.S.A. 49-605 is hereby amended to read as follows: 49-605. (a) No person shall engage in surface mining or operation of an underground mine or mines, as defined by this act, without first obtaining a license from the director.

(b) Licenses shall be issued upon application submitted on a form provided by the director and shall be accompanied by a fee of \$300. Each applicant shall be required to furnish on the form information necessary to identify the applicant. Licenses shall

expire one year from the date of issuance and shall be renewed by the director upon application submitted within 30 days prior to the expiration date and accompanied by the renewal fee established by the director under K.S.A. 49-623, and amendments thereto.

(c) A license to mine is only valid when approved by the commission director and acknowledged by a certificate ~~which that~~ has been signed by the director and lists the operator and the assigned license number.

Sec. 17. K.S.A. 2020 Supp. 49-606 is hereby amended to read as follows: 49-606.

(a) ~~The secretary, at the request of the director, with the approval of the commission,~~ may deny issuance or renewal of a license for repeated or willful violation of the provisions of this act or for failure to comply with any provision of a reclamation plan.

(b) ~~The secretary, at the request of the director, with the approval of the commission,~~ may suspend or revoke a license for repeated or willful violation of any of the provisions of this act or for failure to comply with any provision of a reclamation plan. Proceedings for the suspension or revocation of a license pursuant to this section shall be conducted in accordance with the Kansas administrative procedure act by the ~~director~~ secretary or a presiding officer from the office of administrative hearings.

Sec. 18. K.S.A. 49-611 is hereby amended to read as follows: 49-611. (a) An operator authorized under this act to operate a mine, after completion of mining operations and within the time specified in K.S.A. 49-613, and amendments thereto, shall:

(1) Grade affected lands except for impoundments and pit floors to slopes no steeper than one foot vertical rise for each three feet of horizontal distance. Where the original topography of the affected land was steeper than one foot of vertical rise for each three feet of horizontal distance, the affected lands may be graded to blend with the surrounding terrain. The grading of high banks of sand pits and highwalls may be modified or exempted by the director.

(2) Provide for the vegetation of the affected lands, except for impoundments, pit floors; and highwalls, as approved by the director before the release of the bond as provided in K.S.A. 49-616, and amendments thereto.

(b) Notwithstanding subsection (a), overburden piles where disposition has not occurred or will not occur for a period of 12 months shall be stabilized.

(c) Topsoil that is a part of overburden shall not be buried or destroyed in the process of mining.

(d) The director, with concurrence of the ~~commission~~ secretary, may grant a variance from the requirements of subsections (a) and (b).

(e) A bond or security posted under this act to assure reclamation of affected lands shall not be released until all reclamation work required by this section has been performed in accordance with the provisions of this act, except when a replacement bond or security is posted by a new operator or responsibility is transferred under K.S.A. 49-610, and amendments thereto.

Sec. 19. K.S.A. 49-613 is hereby amended to read as follows: 49-613. (a) An operator shall reclaim affected lands within a period not to exceed three years after the filing of the report required under ~~subsection (b) of~~ K.S.A. 49-612 ~~(b), and amendments thereto,~~ indicating the mining of any part of a site has been completed.

(b) For certain postmining land uses, such as a sanitary land fill, the director, with the approval of the ~~commission~~ secretary, may allow an extended reclamation period.

(c) An operator, upon completion of any reclamation work required by K.S.A. 49-611, ~~and amendments thereto~~, shall apply to the director in writing for approval of the work. The director, within a reasonable time ~~as determined by the commission~~, shall inspect the completed reclamation work. Upon determination by the director that the operator has satisfactorily completed all required reclamation work on the land included in the application, ~~the commission director~~ shall release the bond or security on the reclaimed land, shall remove the land from registration, and shall terminate or amend, as necessary, the operator's authorization to conduct surface mining on the site.

(d) Periodic inspections may be conducted by the director or the director's designee; to ensure that the operator is following the reclamation plan.

Sec. 20. K.S.A. 49-618 is hereby amended to read as follows: 49-618. (a) The director or the director's designee, when accompanied by the operator or operator's designee during regular business hours, may inspect any lands on which any operator is authorized to operate a mine for the purpose of determining whether the operator is or has been complying with the provisions of this act.

(b) The director shall give written notice to any operator who violates any of the provisions of this act or any rules and regulations adopted by the director pursuant to this act.

(c) If corrective measures approved by the director are not commenced within 90 days, the violation shall be referred to the commission. The operator shall be notified in writing of the referral. The secretary shall, at the request of the director, issue a written order stating the nature of the violation, the penalty to be imposed and the right of the person to appeal to the secretary pursuant to K.S.A. 49-621, and amendments thereto.

Sec. 21. K.S.A. 49-620 is hereby amended to read as follows: 49-620. ~~The attorney general, upon request of the commission, Once an order issued pursuant to this act becomes a final order, the secretary, upon request of the director, shall institute proceedings for forfeiture of the bond posted by an operator to guarantee reclamation of a site where the operator is in violation of any of the provisions of this act or any rule and regulation adopted by the director pursuant to this act. Forfeiture of the operator's bond shall fully satisfy all obligations of the operator to reclaim affected land covered by the bond. The director shall have the power to reclaim, as required by K.S.A. 49-611, and amendments thereto, any surface mined land with respect to which a bond has been forfeited, using the proceeds of the forfeiture to pay for the necessary reclamation work.~~

Sec. 22. K.S.A. 2020 Supp. 49-621 is hereby amended to read as follows: 49-621. (a) ~~The director secretary~~, upon finding that the operator has failed to comply with any provision of this act, any provision of a reclamation plan or any condition of a license or site registration with which the operator is required to comply pursuant to this act, may impose upon the operator a civil penalty not exceeding \$1,000 for each day of noncompliance.

(b) All civil penalties assessed pursuant to this section shall be due and payable within 35 days after written notice of the imposition of a civil penalty has been served upon whom the penalty is being imposed, unless a longer period of time is granted by ~~the director secretary~~ or unless the operator appeals the assessment as provided in this section.

(c) No civil penalty shall be imposed under this section except upon the written order of ~~the director secretary~~ or ~~the director's secretary's~~ designee to the operator upon whom the penalty is to be imposed, stating the nature of the violation, the penalty

imposed and the right of the operator upon whom the penalty is imposed to appeal to the director for a hearing on the matter. An operator upon whom a civil penalty has been imposed may appeal, within 15 days after service of the order imposing the civil penalty, to the ~~director secretary~~. If appealed, a hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act. The decision of the ~~director secretary~~ shall be final unless review is sought under subsection (d).

(d) Any action of the ~~director secretary~~ pursuant to this section is subject to review in accordance with the Kansas judicial review act.

Sec. 23. K.S.A. 49-623 is hereby amended to read as follows: 49-623. (a) The ~~director secretary~~, with the approval of the commission, shall adopt such rules and regulations as necessary to administer and enforce the provisions of this act.

(b) The ~~commission director~~ shall determine annually the amount necessary to carry out and enforce the provisions of this act for the next ensuing fiscal year and shall recommend to the ~~director secretary~~ such license renewal, registration application, registration and registration renewal fees as the ~~commission director~~ determines necessary for that purpose. The director shall adopt such fees by ~~rule rules~~ and ~~regulation regulations~~.

(c) Before the director submits any such proposed rules and regulations to the director of the budget, the secretary of administration and the attorney general in accordance with the rules and regulations filing act, K.S.A. 77-415 et seq., and amendments thereto:

(1) The director shall submit such rules and regulations to the commission; and  
(2) the commission shall review and make recommendations to the director and the secretary regarding such proposed rules and regulations.

(d) Fees for license renewal, registration and registration renewal shall be based on an operator's acres of affected land or the tonnage of materials extracted by the operator during the preceding license year, or a combination thereof.

~~(c)~~ Political subdivisions of the state shall be exempt from all fees imposed under this act.

Sec. 24. K.S.A. 82a-1602 is hereby amended to read as follows: 82a-1602. In order to provide public water supply storage and water related recreational facilities in the state, there is hereby established a multipurpose small lakes program. The program shall be administered by the ~~Kansas department of agriculture division of conservation~~. Except as otherwise provided by this act, the ~~Kansas department of agriculture division of conservation~~, with the approval of the ~~state conservation commission secretary~~, shall adopt all rules and regulations necessary to implement the provisions of this act.

Sec. 25. K.S.A. 82a-1603 is hereby amended to read as follows: 82a-1603. When used in this act:

(a) "Chief engineer" means the chief engineer of the division of water resources of the department of agriculture.

(b) "Class I funded project" means a proposed new project or renovation of an existing project located within the boundaries of an organized watershed district ~~which~~ that is receiving or is eligible to receive financial participation from the ~~Kansas department of agriculture division of conservation~~ for the flood control storage portion of the project.

(c) "Class II funded project" means a proposed new project or renovation of an existing project ~~which~~ that is receiving or is eligible to receive financial participation

from the federal government.

(d) "Class III funded project" means a proposed new project or renovation of an existing project located outside the boundaries of an organized watershed district ~~which that~~ is not receiving or is not eligible to receive financial participation from the ~~Kansas department of agriculture division of conservation~~ or the federal government except as provided in K.S.A. 82a-1606, and amendments thereto.

(e) "Division" means the division of conservation established within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto.

~~(f)~~ "Flood control storage" means storage space in reservoirs to hold flood waters.

~~(f)(g)~~ "Future use public water supply storage" means storage space ~~which that~~ the Kansas water office determines will be needed within the next 20 years for use by public water supply users in an area but for which there is no current sponsor.

~~(g)(h)~~ "General plan" means a preliminary engineering report describing the characteristics of the project area, the nature and methods of dealing with the soil and water problems within the project area; and the projects proposed to be undertaken by the sponsor within the project area. Such plan shall include: Maps, descriptions and other data as may be necessary for the location, identification and establishment of the character of the work to be undertaken; a cost-benefit analysis of alternatives to the project, including, but not limited to, nonstructural flood control options and water conservation and reuse to reduce need for new water supply storage; and any other data and information as the chief engineer may require.

~~(h)(i)~~ "Land right" means real property as that term is defined by the laws of the state of Kansas and all rights thereto and interest therein ~~and shall include~~ includes any road, highway, bridge, street, easement or other right-of-way thereon.

~~(i)(j)~~ "Multipurpose small lake project" means a dam and lake containing: (1) Flood control storage; and (2) either public water supply storage or recreation features, or both.

~~(j)(k)~~ "Public water supply" means a water supply for municipal, industrial or domestic use.

~~(k)(l)~~ "Public water supply storage" means storage of water for municipal, industrial or domestic use.

~~(l)(m)~~ "Recreation feature" means water storage and related facilities for activities such as swimming, fishing, boating, camping or other related activities.

~~(m)(n)~~ "Renovation" means repair or restoration of an existing lake ~~which that~~ contains water storage space for use as a public water supply and ~~which that~~ has either recreational purposes or flood control purposes, or both.

~~(n)(o)~~ "Secretary" means the secretary of the Kansas department of agriculture.

~~(o)(p)~~ "Sponsor" means: (1) Any political subdivision of the state ~~which that~~ has the power of taxation and the right of eminent domain; (2) any public wholesale water supply district; or (3) any rural water district.

~~(p)(q)~~ "Water user" means any city, rural water district, wholesale water district or any other political subdivision of the state ~~which that~~ is in the business of furnishing municipal or industrial water to the public.

Sec. 26. K.S.A. 82a-1607 is hereby amended to read as follows: 82a-1607. Sponsors shall apply to the ~~state conservation commission~~ division for participation in the multipurpose small lakes program. The review and approval process of the ~~Kansas department of agriculture division of conservation~~ shall be established by rules and

regulations ~~which that~~ shall be consistent with the state water plan. Following review, ~~the Kansas department of agriculture division of conservation,~~ with the approval of the ~~state conservation commission secretary,~~ shall request appropriations for specific projects from the legislature. Any funds appropriated to carry out the provisions of this act shall be administered by the ~~Kansas department of agriculture division of conservation.~~

Sec. 27. K.S.A. 82a-1702 is hereby amended to read as follows: 82a-1702. (a) The state shall provide financial assistance to certain public corporations for part of the costs or reimbursement of part of the costs of installation of water development projects; ~~which that~~ derive general benefits to the state as a whole; or to a section thereof beyond the boundaries of such public corporation.

(b)(1) Any public corporation shall be eligible for state financial assistance for a part of the costs it becomes actually and legally obligated to pay for all lands, easements; and rights-of-way for the water development projects in the event ~~the state Kansas department of agriculture division of conservation commission~~ shall find that:

~~(1)(A)~~ (A) Such public corporation has made application for approval of such financial assistance with the Kansas department of agriculture division of conservation in such form and manner as the Kansas department of agriculture division of conservation may require, which application each public corporation is hereby authorized to make;

~~(2)(B)~~ (B) such works will confer general flood control benefits beyond the boundaries of such public corporation in excess of 20% of the total flood control benefits of the works;

~~(3)(C)~~ (C) such works are consistent with the state water plan;

~~(4)(D)~~ (D) such public corporation will need such financial assistance for actual expenditures within the fiscal year next following; and

~~(5)(E)~~ (E) the legislature has appropriated funds for the payment of such sum.

(2) The payment authorized hereunder shall be limited to an amount equal to the total costs the public corporation shall become actually and legally obligated to spend for lands, easements; and rights-of-way for such water resource development works, multiplied by the ratio that the flood control benefits conferred beyond the boundaries of the public corporation bear to the total flood control benefits of the project. Such findings shall each be made at and in such manner as is provided by procedural rules and regulations ~~which that~~ shall be adopted by the Kansas department of agriculture division of conservation with the approval of the ~~state conservation commission secretary.~~

(c) Any public corporation receiving financial assistance under this section shall apply those sums toward the satisfaction of the legal obligations for the specific lands, easements; and rights-of-way for which it receives them or toward the reimbursement of those accounts from which those legal obligations were satisfied, in whole or in part, and it shall return to the state any sums that are not in fact so applied. In ascertaining costs of lands, easements; and rights-of-way under this section, the Kansas department of agriculture division of conservation shall not consider any costs ~~which that~~ relate to land treatment measures ~~nor or~~ any costs for which federal aid for construction costs is granted pursuant to the watershed protection and flood prevention acts or pursuant to any other federal acts.";

Also on page 4, in line 30, after the first "K.S.A." by inserting "2-1916,;" also in line 30, after "2-3702" by inserting ", 49-605, 49-611, 49-613, 49-618, 49-620, 49-623, 82a-

1602, 82a-1603, 82a-1607 and 82a-1702"; also in line 30, after "Supp." by inserting "2-1903, 2-1904, 2-1907, 2-1907c, 2-1908, 2-1915, 2-1930, 2-1931, 2-1933,"; also in line 30, after "2-3708" by inserting ", 49-603, 49-606 and 49-621";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the second semicolon by inserting "the Kansas department of agriculture division of conservation; implementing the provisions of 2011 executive reorganization order No. 40,"; in line 5, after the first "K.S.A." by inserting "2-1916,"; also in line 5, after "2-3702" by inserting ", 49-605, 49-611, 49-613, 49-618, 49-620, 49-623, 82a-1602, 82a-1603, 82a-1607 and 82a-1702"; also in line 5, after "Supp." by inserting "2-1903, 2-1904, 2-1907, 2-1907c, 2-1908, 2-1915, 2-1930, 2-1931, 2-1933,"; also in line 5, after "2-3708" by inserting ", 49-603, 49-606 and 49-621";

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

KEN RAHJES

ERIC SMITH

SYDNEY CARLIN

*Conferees on part of House*

DAN KERSCHEN

ALICIA STRAUB

MARY WARE

*Conferees on part of Senate*

Senator Kerschchen moved the Senate adopt the Conference Committee Report on **SB 38**.

On roll call, the vote was: Yeas 37; Nays 2; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschchen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Hilderbrand, Tyson.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 142** 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, following line 6, by inserting:

"Section 1. K.S.A. 2020 Supp. 32-1005 is hereby amended to read as follows: 32-1005. (a) Commercialization of wildlife is knowingly committing any of the following, except as permitted by statute or rules and regulations:

(1) Capturing, killing or possessing, for profit or commercial purposes, all or any part of any wildlife protected by this section;

(2) selling, bartering, purchasing or offering to sell, barter or purchase, for profit or commercial purposes, all or any part of any wildlife protected by this section;

(3) shipping, exporting, importing, transporting or carrying; causing to be shipped, exported, imported, transported or carried; or delivering or receiving for shipping, exporting, importing, transporting or carrying all or any part of any wildlife protected by this section, for profit or commercial purposes; or

(4) purchasing, for personal use or consumption, all or any part of any wildlife protected by this section.

(b) The wildlife protected by this section and the minimum value thereof are as follows:

(1) Eagles, \$1,000;

(2) deer or antelope, \$1,000;

(3) elk or buffalo, \$1,500;

(4) furbearing animals, except bobcats, \$25;

(5) bobcats, \$200;

(6) wild turkey, \$200;

(7) owls, hawks, falcons, kites, harriers or ospreys, \$500;

(8) game birds, migratory game birds, resident and migratory nongame birds, game animals and nongame animals, \$50 unless a higher amount is specified above;

(9) fish and mussels, the value for which shall be no less than the value listed for the appropriate fish or mussels species in the monetary values of freshwater fish or mussels and fish kill counting guidelines of the American fisheries society, special publication number ~~30~~ 35;

(10) turtles, \$25 each for unprocessed turtles or \$16 per pound or fraction of a pound for processed turtle parts;

(11) bullfrogs, \$4, whether dressed or not dressed;

(12) any wildlife classified as threatened or endangered, \$500 unless a higher amount is specified above; and

(13) any other wildlife not listed above, \$25.

(c) Possession of wildlife, in whole or in part, captured or killed in violation of law and having an aggregate value of \$1,000 or more, as specified in subsection (b), is prima facie evidence of possession for profit or commercial purposes.

(d) Commercialization of wildlife having an aggregate value of \$1,000 or more, as specified in subsection (b), is a severity level 10, nonperson felony. Commercialization of wildlife having an aggregate value of less than \$1,000, as specified in subsection (b), is a class A nonperson misdemeanor.

(e) In addition to any other penalty provided by law, a court convicting a person of the crime of commercialization of wildlife may:

(1) Confiscate all equipment used in the commission of the crime and may revoke for a period of up to 20 years all licenses and permits issued to the convicted person by the Kansas department of wildlife, parks and tourism; and

(2) order restitution to be paid to the Kansas department of wildlife, parks and tourism for the wildlife taken, ~~which~~, Such restitution shall be in an amount not less than the aggregate value of the wildlife, as specified in subsection (b).

(f) The provisions of this section shall apply only to wildlife illegally harvested and possessed by any person having actual knowledge that such wildlife was illegally harvested.";

Also on page 1, in line 19, by striking "is" and inserting "and K.S.A. 2020 Supp. 32-1005 are";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking all after the semicolon; in line 2, by striking all before the semicolon and inserting "updating the reference to the guidelines of the American fisheries society"; in line 4, after "32-1129" by inserting "and K.S.A. 2020 Supp. 32-1005"; also in line 4, by striking "section" and inserting "sections";

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

KEN RAHJES  
ERIC E. SMITH  
SYDNEY CARLIN

*Conferees on part of House*

DAN KERSCHEN  
ALICIA STRAUB  
MARY WARE

*Conferees on part of Senate*

Senator Kerschen moved the Senate adopt the Conference Committee Report on **SB 142**.

On roll call, the vote was: Yeas 37; Nays 2; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Hilderbrand, Tyson.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 143** submits the following report:

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

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

KEN RAHJES  
ERIC SMITH  
SYDNEY CARLIN

*Conferees on part of House*

DAN KERSCHEN  
ALICIA STRAUB  
MARY WARE

*Conferees on part of Senate*

Senator Kerschen moved the Senate adopt the Conference Committee Report on **SB 143**.

On roll call, the vote was: Yeas 33; Nays 6; Present and Passing 0; Absent or Not

Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kersch, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Ryckman, Sykes, Tyson, Ware, Warren, Wilborn.

Nays: Hilderbrand, Peck, Pyle, Steffen, Straub, Thompson.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2244** submits the following report:

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

On page 3, in line 28, after the period by inserting "Final "hemp products" may contain a tetrahydrocannabinol concentration of not more than 0.3%. As used in this paragraph, "tetrahydrocannabinol concentration" means the same as in K.S.A. 65-6235(b)(3), and amendments thereto.";

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

DAN KERSCHEN

ALICIA STRAUB

MARY WARE

*Conferees on part of Senate*

KEN RAHJES

ERIC SMITH

SYDNEY CARLIN

*Conferees on part of House*

Senator Kersch moved the Senate adopt the Conference Committee Report on **HB 2244**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kersch, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Hilderbrand, Peck, Pyle.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

On motion of Senator Alley, the Senate recessed until 8:30 p.m.

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EVENING SESSION

**MESSAGE FROM THE HOUSE**

The House concurs in Senate amendments to **HB 2201**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2401**.

The House adopts the Conference Committee report on **HB 2066**.

The House adopts the Conference Committee report on **HB 2243**.

The House adopts the Conference Committee report on **HB 2166**.

The House nonconcurrs in Senate amendments to **HB 2224**, requests a conference and has appointed Representatives Landwehr, Eplee and Parker as conferees on the part of the House.

The House concurs in Senate amendments to **HB 2203**.

The House concurs in Senate amendments to **HB 2254**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2391**, and requests return of the bill.

**ORIGINAL MOTION**

On motion of Senator Hilderbrand, the Senate acceded to the request of the House for a conference on **HB 2224**.

The President appointed Senators Hilderbrand, Gossage and Pettey as conferees on the part of the Senate.

**CONFERENCE COMMITTEE REPORT**

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **S Sub HB 2183** submits the following report:

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

On page 2, in line 7, after "be" by inserting "transmitted or"; also in line 7, after "person" by inserting "transmitting or"; in line 11, after "person" by inserting "transmitting or"; in line 14, after "(B)" by inserting "transmitted or"; also in line 14, by striking "five" and inserting "10"; in line 17, after "to" by inserting "transmit or"; in line 25, after "shall" by inserting "transmit or"; also in line 25, by striking "five" and inserting "10"; in line 27, after "(d)" by inserting "(1)"; also in line 27, by striking "this section" and inserting "subsection (a) or (b)"; following line 27, by inserting:

"(2) A violation of subsection (c) is a class B misdemeanor.";

Also on page 2, in line 28, after "is" by inserting "knowingly";

On page 3, in line 9, by striking "20th" and inserting "10<sup>th</sup>";

On page 5, in line 2, after "ballot" by inserting "or preventing the voter from having a signature consistent with such voter's registration form";

On page 7, in line 14, after "to" by inserting ":

(1)";

Also on page 7, in line 15, after "office" by inserting " or

(2) a candidate transmitting or delivering an advance voting ballot in accordance with section 2(b), and amendments thereto";

Also on page 7, following line 22, by inserting:

"New Sec. 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.";

And by renumbering sections accordingly;

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

LARRY ALLEY

RICHARD HILDERBRAND

OLETHA FAUST GOUDEAU

*Conferees on part of Senate*

BLAKE CARPENTER

EMIL BERGQUIST

*Conferees on part of House*

Senator Alley moved the Senate adopt the Conference Committee Report on **S Sub HB 2183**.

On roll call, the vote was: Yeas 27; Nays 11; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Absent or Not Voting: Billinger, Suellentrop.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2332** submits the following report:

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

On page 2, in line 2, by striking "secretary of state" and inserting "county election officer"; in line 3, after "voter" by inserting "if the mailing address is different from the residential address"; in line 7, after "occupied" by inserting "and, if not, the person shall not be considered a validly registered voter"; also in line 7, by striking all after the period; by striking all in line 8; in line 9, by striking all before "The"; also in line 9, by striking "secretary" and inserting "county election officer"; in line 10, by striking all after "database"; by striking all in line 11; in line 12, by striking all before the period;

On page 7, following line 5, by inserting:

"Sec. 5. K.S.A. 73-213 is hereby amended to read as follows: 73-213. For the purposes of this act, ~~the following terms shall have the meanings ascribed to them by this section,~~ unless the context clearly requires otherwise:

(a) ~~"Officer" means any officer or employee of the state of Kansas or any political subdivision thereof." Act" means K.S.A. 73-213 through 73-219, and amendments thereto.~~

(b) "Appointive authority" means the person, board, commission or other authority

vested by law with power to appoint a successor for an officer when a vacancy occurs in the office or position held by such officer. If no person, board, commission, or other authority is vested by law with power to appoint a successor for an officer when a vacancy occurs then "appointive authority" means the governor of the state of Kansas.

~~(b)(c)~~ "Military service" means active service in the army, navy, or marine corps, air force, coast guard, space force, Kansas army or air national guard or any branch of the military reserves of the United States or any compulsory service rendered in any capacity to the federal government for the purpose of national defense.

~~(e)(d)~~ "Appointive authority" means the person, board, commission, or other authority vested by law with power to appoint a successor for an officer upon the happening of a vacancy in the office or position held by such officer; but if no person, board, commission, or other authority is vested by law with power to appoint a successor for an officer upon the happening of such a vacancy, then "appointive authority" shall mean the governor of the state of Kansas. "Officer" means any officer or employee of the state of Kansas or any political subdivision thereof.

~~(d)(e)~~ "Temporary vacancy" means a vacancy in an office or position caused by the absence in military service of the officer elected or appointed thereto. If the officer was originally elected or appointed for a definite term such, "temporary vacancy" shall mean means the period of time beginning with the day such officer shall enter the enters military service and ending either with the day he shall return such officer returns from military service; or with the expiration of the appointed or elected term for which he was elected or appointed, whichever period of time is the shorter. If the officer was originally appointed to his the office or position for an indefinite term or for a term expiring at the pleasure of the appointive authority, such "temporary vacancy" shall mean means the period of time beginning with the day such officer shall enter the enters military service and ending either with the day he such officer shall return from military service, or with the expiration of the appointive power of the original appointive authority, whichever period of time is the shorter.

Sec. 6. K.S.A. 73-214 is hereby amended to read as follows: 73-214. The absence of any officer from his an office or position caused by his being in the military service shall not create a forfeiture of; or vacancy in the office or position to which such officer was elected or appointed but shall be construed to merely create a temporary vacancy. Wherever the terms "forfeiture of office" or "vacancy in office" or other words of similar import like effect are used in any law of this state in relation to an officer such as defined in this act, the same such terms or words shall be construed in accordance with the provisions of this section and shall not be construed to apply to any absence of such officer who is absent from his an office or position by reason of his being in the military service.

Sec. 7. K.S.A. 73-215 is hereby amended to read as follows: 73-215. (a) (1) If an officer's military service creates a temporary vacancy that is determined by such officer to require a temporary appointment, such officer shall submit an approved form to the designated office as set out in paragraph (2).

(2) (A) If the officer is an elected state official, the form shall be approved by and filed with the secretary of state.

(B) If the officer is an elected official of a political subdivision, the form shall be filed with the county clerk of the county containing the largest portion of the territory of the political subdivision.

(C) If the officer is an employee who is not an elected official, the form shall be approved by and filed with the employee's human resources department or other official as determined by such officer's employer.

(3) The officer shall also submit an approved form to the designated office upon return from military service.

(b) In case if an officer's military service creates a temporary vacancy is or has been created in any office or position by reason of the absence of the officer in the military service, in an office or position and the form prescribed in (a) has been filed:

(1) The appointive authority for a partisan elective office shall appoint a person to temporarily fill such office or position using the procedures in K.S.A. 25-3901 et seq., and amendments thereto; and

(2) The appointive authority shall for an elective office that is nonpartisan and for an officer who is not an elected official may appoint some a person to temporarily fill the such office or position to which such officer was elected or appointed.

(c) All such appointees shall hold the office or position which they are temporarily to fill during the such temporary vacancy caused by the absence of the officer in the military service.

Sec. 8. K.S.A. 73-218 is hereby amended to read as follows: 73-218. An officer who ~~shall be~~ is absent from ~~his an~~ office or position ~~and while in the military service~~ shall not be entitled to any compensation as such officer during such absence; ~~but upon his return.~~ If he return the officer returns before the expiration of the period of the temporary vacancy created by ~~his the officer's~~ absence, ~~he such officer~~ shall be entitled to immediate possession of ~~the such~~ office or position ~~from which he was absent and,~~ upon reassuming the duties of the office, to receive the compensation for the remainder of the term to which the holder thereof is entitled, subject to removal from office according to law.

Sec. 9. K.S.A. 73-219 is hereby amended to read as follows: 73-219. The provisions of this act are declared to be severable and if any section, subsection, paragraph, be unconstitutional or provision of this act or its application to any person or circumstance is held invalid for any reason, it shall be presumed that this act would have been passed by the legislature without such invalid section, subsection, paragraph, sentence, provision, clause or phrase, and such decision shall not in any way affect the remainder of such invalidity shall not affect the other provisions or applications of this act.;

Also on page 7, in line 6, before "K.S.A." by inserting "K.S.A. 73-213, 73-214, 73-215, 73-218 and 73-219 and";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in lines 2 through 10; in line 11, by striking all before the second semicolon and inserting "relating to the conduct of elections; providing for the appointment and duties of certain elected officials"; also in line 11, after "amending" by inserting "K.S.A. 73-213, 73-214, 73-215, 73-218 and 73-219 and";

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

LARRY ALLEY  
RICHARD HILDERBRAND  
OLETHA FAUST-GOUDEAU  
*Conferees on part of Senate*

BLAKE CARPENTER

EMIL BERGQUIST

VIC MILLER

*Conferees on part of House*

Senator Hilderbrand moved the Senate adopt the Conference Committee Report on **HB 2332**.

On roll call, the vote was: Yeas 27; Nays 11; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Absent or Not Voting: Billinger, Suellentrop.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **S Sub HB 2074** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2074, as follows:

On page 4, following line 3, by inserting:

"(14) "trust" means a trust created pursuant to the Kansas uniform trust code, K.S.A. 58a-101 et seq., and amendments thereto, or created pursuant to the Kansas business trust act of 1961, K.S.A. 17-2707 et seq., and amendments thereto;"

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

Also on page 4, in line 19, after the period by inserting "Except as provided in section 25, and amendments thereto, the state banking board shall not approve any application until the Beneficient conditional charter has been converted to a full charter and the commissioner has completed a regulatory examination.";

On page 7, in line 5, after the second comma by inserting "third-party fees for consultants or other entities necessary to assist the commissioner,";

On page 11, in line 9, by striking "the"; by striking all in lines 10 through 12; in line 13, by striking all before "unless" and inserting "in such institution's name the words "bank" or "trust company" without reference to fidfin trusts or any other term that tends to imply that such fiduciary financial institution is a bank or trust company,"; in line 14, after the period by inserting "While a fiduciary financial institution is a trust company for purposes of federal and state law and rules and regulations and possesses trust powers under this act, it is the intent of this section to impose restrictions on the name of such institution to avoid confusion with other banks and trust companies that operate in this state but that are not fiduciary financial institutions. The naming restrictions imposed under this section shall in no way reduce or eliminate the trust powers granted to a fiduciary financial institution as a trust company under this act. Other than indicating that the fiduciary financial institution is headquartered and chartered in

Kansas, no fiduciary financial institution's name or advertising shall infer or imply that such fiduciary financial institution is endorsed by, an affiliate of or otherwise connected with the government of the state of Kansas.";

On page 15, in line 10, by striking "servcies" and inserting "services";

On page 19, in line 5, by striking all after "(b)"; by striking all in lines 6 through 32; in line 33, by striking all before the period and inserting "The commissioner may, upon a written request from a fiduciary financial institution prior to a form submission, offer to review a form and reply with informational comments only. Such informational comments shall not, in any manner, constitute approval or endorsement of such form, and the fiduciary financial institution shall not represent that such form has been approved by the office of the state bank commissioner"; in line 34, before "Pursuant" by inserting "(a)"; following line 36, by inserting:

"(b) The office of the state bank commissioner may enter into contracts for technical assistance and professional services as are necessary to administer the provisions of this act and to meet the deadline for the adoption of rules and regulations provided by this section. Such contracts shall be exempt from the requirements of K.S.A. 75-3739, 75-37,102 and 75-37,132, and amendments thereto, or any other statute relating to the procurement of such services.";

On page 20, in line 27, after "a" by inserting "conditional"; in line 28, after "upon" by inserting "the";

On page 21, in line 8, after "the" by inserting "conditional"; following line 30, by inserting:

"(e) On or before January 10, 2022, the office of the state bank commissioner shall provide a report to the house of representatives financial institutions and rural development committee and the senate financial institutions and insurance committee updating such committees on the progress of such pilot program. Such report shall include recommendations from the office of the state bank commissioner for any legislation necessary to implement the provisions of this act.";

On page 23, in line 25, after the period by inserting "Tax credits allowed and earned under this section shall not be sold, assigned, conveyed or otherwise transferred."; in line 35, after "(h)" by inserting "In any taxable year, a fiduciary financial institution shall pay the greater of the qualified charitable distributions made during such taxable year or the tax liability of a fiduciary financial institution imposed pursuant to the Kansas income tax act or the privilege tax imposed upon a fiduciary financial institution pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto.

(i)";

Also on page 23, following line 36, by inserting:

"Sec. 29. (a) There is hereby created the joint committee on fiduciary financial institutions oversight, which shall be composed of four senators and five members of the house of representatives. The four senate members shall be the chairperson of the standing committee on financial institutions and insurance of the senate, or a member of such committee appointed by the chairperson, two members appointed by the president of the senate and one member appointed by the minority leader of the senate. The five representative members shall be the chairperson of the standing committee on financial institutions and rural development of the house of representatives, or a member of such committee appointed by the chairperson, two members appointed by the speaker of the

house of representatives and two members appointed by the minority leader of the house of representatives.

(b) All members of the joint committee on fiduciary financial institutions oversight shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. On and after the first day of the regular legislative session in odd-numbered years, the chairperson shall be one of the representative members of the joint committee selected by the speaker of the house of representatives, and the vice chairperson shall be one of the senate members selected by the president of the senate. On and after the first day of the regular legislative session in even-numbered years, the chairperson shall be one of the senate members of the joint committee selected by the president of the senate and the vice chairperson shall be one of the representative members of the joint committee selected by the speaker of the house of representatives. The chairperson and vice chairperson of the joint committee shall serve in such capacities until the first day of the regular legislative session in the ensuing year. The vice chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(c) A quorum of the joint committee on fiduciary financial institutions oversight shall be a majority of the members. The joint committee on fiduciary financial institutions oversight shall meet at any time and at any place within the state on call of the chairperson. Members of the joint committee shall receive compensation, travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of such committee authorized by the legislative coordinating council.

(d) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on fiduciary financial institutions oversight.

(e) The joint committee on fiduciary financial institutions oversight may introduce such legislation as deemed necessary in performing such committee's functions.

(f) The joint committee on fiduciary financial institutions oversight shall:

(1) Monitor, review and make recommendations regarding fiduciary financial institutions' operations in the state of Kansas;

(2) monitor, review and make recommendations regarding the fiduciary financial institutions pilot program established in section 25, and amendments thereto; and

(3) receive a report from the office of the state bank commissioner prior to December 31, 2021, providing an update on the implementation of the technology-enabled fiduciary financial institutions act and the pilot program established in section 25, and amendments thereto. Such report shall include recommendations from the office of the state bank commissioner for any legislation necessary to implement the provisions of the technology-enabled fiduciary financial institutions act.

(g) The office of the state bank commissioner shall appear annually before the joint committee and shall present a report on the fiduciary financial institution industry.;"

And by renumbering sections accordingly;

On page 1, in the title, in line 9, after "distributions" by inserting "; creating the joint committee on fiduciary financial institutions oversight";

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

JEFF LONGBINE  
 MICHAEL FAGG  
 JEFF PITTMAN  
*Conferees on part of Senate*

JIM KELLY  
 NICK HOHEISEL  
 RUI XU  
*Conferees on part of House*

Senator Longbine moved the Senate adopt the Conference Committee Report on **S Sub HB 2074**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2390** submits the following report:

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

On page 1, following line 9, by inserting:

"New Section 1. (a) It shall be unlawful for any person to:

(1) Cause to be presented to a recorder of record for filing in any public record any lien or claim against any real or personal property when such person knows or reasonably should know that such lien or claim is false or contains any materially false, fictitious or fraudulent statement or representation;

(2) cause to be presented to a recorder of record for filing in any public record any document that purports to assert a lien against real or personal property of any person or entity that is not expressly provided for by the constitution or laws of this state or of the United States, does not depend on the consent of the owner of the real or personal property affected and is not an equitable or constructive lien imposed by a court with jurisdiction created or established under the constitution or laws of this state or of the United States;

(3) cause to be presented to a recorder of record for filing in any public record any financing statement pursuant to article 9 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, when such person knows or reasonably should know that the financing statement is not based on a bona fide security agreement or was not authorized or authenticated by the alleged debtor identified in the financing statement or an authorized representative of the alleged debtor;

(4) cause to be presented to a recorder of record for filing in any public record any

document filed in an attempt to harass an entity, individual or public official, or obstruct a governmental operation or judicial proceeding, when such person knows or reasonably should know that the document contains false information; or

(5) violate a court order issued pursuant to K.S.A. 58-4301, and amendments thereto.

(b) Violation of this section is a severity level 8, nonperson felony.

(c) This section shall be a part of and supplemental to the Kansas criminal code.;

On page 21, in line 36, after "offense" by inserting "described";

On page 23, in line 11, by striking ", which"; in line 12 by striking "records" and inserting "that"; in line 20, by striking ", which"; in line 21 by striking "records" and inserting "that";

On page 24, in line 19, by striking "which" and inserting "that".

On page 26, in line 33, by striking "which" and inserting "that"; in line 37, by striking ", and amendments thereto,;" in line 41, after "of" by inserting a colon; in line 42, by striking the second comma and inserting "; a"; also in line 42, by striking the third comma and inserting "; a"; also in line 42, by striking the fourth comma and inserting "; a"; in line 43, by striking "or" and inserting "; a"; in line 43, after the second "officer" by inserting "; a local correctional officer or local detention officer; a federal judge; a justice of the supreme court; a judge of the court of appeals; a district judge; a district magistrate judge; a municipal judge; a presiding officer who conducts hearings pursuant to the Kansas administrative procedure act; an administrative law judge employed by the office of administrative hearings; a member of the state board of tax appeals; an administrative law judge who conducts hearings pursuant to the workers compensation act; a member of the workers' compensation appeals board; the United States attorney for the district of Kansas; an assistant United States attorney; a special assistant United States attorney; the attorney general; an assistant attorney general; a special assistant attorney general; a county attorney; an assistant county attorney; a special assistant county attorney; a district attorney; an assistant district attorney; a special assistant district attorney; a city attorney; an assistant city attorney; or a special assistant city attorney";

On page 27, in line 1, by striking "individual officer" and inserting "person"; in line 2, by striking "officer's" and inserting "person's"; in line 4, by striking "officer's" and inserting "person's"; in line 6, by striking "officer" and inserting "person"; in line 8, by striking all after "(52)"; by striking all in lines 9 through 25; in line 26, by striking "(53)";

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

On page 34, following line 17, by inserting:

"Sec. 14. K.S.A. 2020 Supp. 58-4301 is hereby amended to read as follows: 58-4301. (a) (1) Any person who owns real or personal property or an interest in real or personal property or who is the purported debtor or obligor and who has reason to believe that any document or instrument purporting to create a lien or claim against the real or personal property or an interest in real or personal property previously filed or submitted for filing and recording is fraudulent as defined in subsection (e) may complete and file, at any time without any time limitation, with the district court of the county in which such lien or claim has been filed or submitted for filing, or with the district court of the county in which the property or the rights appertaining thereto is

situated, a motion for judicial review of the status of documentation or instrument purporting to create a lien or claim as provided in this section. Such motion shall be supported by the affidavit of the movant or the movant's attorney setting forth a concise statement of the facts upon which the claim for relief is based. Such motion shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.

(2) The completed form for ordinary certificate of acknowledgment shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.

(3) The clerk of the district court shall not collect a filing fee for filing a motion as provided in this section.

(b) The court's findings may be made solely on a review of the documentation or instrument attached to the motion and without hearing any testimonial evidence. The district court's review may be made ex parte without delay or notice of any kind. An appellate court shall expedite review of a district court's findings as provided in this section.

(c) (1) After review, the district court shall enter appropriate findings of fact and conclusions of law in a form as provided in subsection (d) regarding the documentation or instrument purporting to create a lien or claim, which shall be filed and indexed in the same filing office in the appropriate class of records in which the original documentation or instrument in question was filed.

(2) The court's findings of fact and conclusions of law may include an order setting aside the lien and directing the filing officer to nullify the lien instrument purporting to create the lien or claim. If the lien or claim was filed pursuant to the uniform commercial code, such order shall act as a termination statement filed pursuant to such code.

(3) The filing officer shall not collect a filing fee for filing a district court's findings of fact and conclusions of law as provided in this section.

(4) If the court orders that the lien or claim is set aside, the court's findings of fact and conclusions of law shall also include:

(A) An order prohibiting the person who filed such lien or claim from filing any future lien or claim with any filing officer without approval of the court that enters the order; and

(B) a provision stating that a violation of the order may subject the party in violation to civil and criminal penalties.

(5) A copy of the findings of fact and conclusions of law shall be mailed to the movant and the person who filed the lien or claim at the last known address of each person within seven days of the date that the findings of fact and conclusions of law is issued by the district court.

(d) The findings of fact and conclusions of law shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.

(e) As used in this section, a document or instrument is presumed to be fraudulent if the document or instrument purports to create a lien or assert a claim against real or personal property or an interest in real or personal property and:

(1) Is not a document or instrument provided for by the constitution or laws of this state or of the United States;

(2) is not created by implied or express consent or agreement of the obligor, debtor

or the owner of the real or personal property or an interest in the real or personal property, if required under the laws of this state, or by implied or express consent or agreement of an agent, fiduciary or other representative of that person; or

(3) is not an equitable, constructive or other lien imposed by a court with jurisdiction created or established under the constitution or laws of this state or of the United States.

(f) As used in this section, filing office or filing officer refers to the officer and office where a document or instrument as described in this section is appropriately filed as provided by law, including, but not limited to, the register of deeds, the secretary of state and the district court and filing officers related thereto.

Sec. 15. K.S.A. 2020 Supp. 58-4302 is hereby amended to read as follows: 58-4302. (a) After the court has made a finding that a lien or claim is fraudulent pursuant to K.S.A. 58-4301, and amendments thereto, the aggrieved person may bring a civil action for damages and injunctive relief against the person who filed or recorded the fraudulent documents. No action may be brought under this section against the filing office or filing officer as those terms are described in ~~subsection (f) of~~ K.S.A. 58-4301 ~~(f)~~, and amendments thereto.

(b) In such an action, the burden shall be on the plaintiff to prove by a preponderance of the evidence that the defendant knew or should have known that the documents filed or recorded were in violation of K.S.A. 58-4301, and amendments thereto.

(c) Such an action shall be bifurcated from an action under K.S.A. 58-4301, and amendments thereto, and service shall be made in accordance with article 3 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

(d) The court shall award the prevailing party the costs of the proceeding arising under this section and may award the prevailing party reasonable ~~attorney's~~ attorney fees.

(e) After trial, and if the court makes a finding that a lien or claim is fraudulent pursuant to K.S.A. 58-4301, and amendments thereto, the court may:

(1) Order the defendant to pay actual and liquidated damages up to \$10,000 or, if actual damages exceed \$10,000, all actual damages, to the plaintiff for each violation of K.S.A. 58-4301, and amendments thereto;

(2) enjoin the defendant from filing any future liens or claims, or future liens or claims against persons specified by the court, with any filing officer without approval of the court that enters the order; and

(3) enjoin the defendant from filing any future liens or claims that would violate K.S.A. 58-4301, and amendments thereto.

(f) Any order set forth in subsection (e) shall be subject to modification and termination by the court that enters the order. Such order shall also include a provision stating that a violation of the order may subject the party in violation to civil and criminal penalties.

~~(g) Each violation of any order set forth in subsection (e) may be considered contempt of court, punishable by a fine not to exceed \$1,000, imprisonment in the county jail for not more than 120 days, or both such fine and imprisonment.";~~

On page 39, in line 9, by striking "and" and inserting a comma; also in line 9, after "45-254" by inserting ", 58-4301 and 58-4302";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "public"; also in line 1, after "records" by inserting "and recordation; prohibiting the filing of certain liens or claims against real or personal property and creating criminal penalties"; also in line 1, by striking "thereof" and inserting "of public records"; in line 4, after the semicolon by inserting "restricting access to identifying information of local correctional officers or local detention officers and administrative hearing officers;"; in line 7, by striking the first "and" and inserting a comma; also in line 7, after "45-254" by inserting ", 58-4301 and 58-4302";

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

ELAINE BOWERS  
CAROLYN MCGINN  
OLETHA FAUST-GOUDEAU  
*Conferees on part of Senate*

FRED PATTON  
BRADLEY RALPH  
JOHN CARMICHAEL  
*Conferees on part of House*

Senator Bowers moved the Senate adopt the Conference Committee Report on **HB 2390**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Wilborn.

Present and Passing: Warren.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 175** 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, following line 9, by inserting:

"WHEREAS, The Kansas Legislature and the Kansas Supreme Court agree that, for Kansans, children are our state's most valuable resource; and

WHEREAS, The Kansas Supreme Court in Gannon IV found that nearly 25% of all public education students are not performing at grade level and that significant achievement gaps exist between all students and certain subgroups of students; and

WHEREAS, The Kansas Supreme Court acknowledged that certain student subgroups can have their own special achievement challenges; and

WHEREAS, Throughout the Gannon litigation, the Legislature has committed to improving the academic achievement of all students with a particular focus on the

students identified by the Court; and

WHEREAS, The Kansas Supreme Court has ruled that the current school finance system provides constitutionally adequate funding and equitable allocation of resources and that the Legislature has substantially complied with the Court's orders expressed in Gannon VI; and

WHEREAS, Special challenges require special measures and the Legislature remains committed to providing a finance system that is flexible and offers tailored solutions to raise academic achievement, particularly for those students who face special challenges; and

WHEREAS, Education savings accounts that target those students who qualify for at-risk educational services provide an additional way for families to tailor the entire educational experience of the student, as opposed to simply tailoring the schooling of such student; and

WHEREAS, Providing families with the access and means necessary to customize the educational experience of a student will provide families with options to increase the student's academic achievement.

Now, therefore:";

Also on page 1, by striking all in lines 12 through 34;

By striking all on pages 2 through 7;

On page 8, by striking all in lines 1 through 40 and inserting:

"Section 1.

#### DEPARTMENT OF EDUCATION

(a) On the effective date of this act, of the \$3,306,581 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 2(a) of chapter 19 of the 2019 Session Laws of Kansas from the state general fund in the KPERS – employer contributions – non-USDs account (652-00-1000-0100), the sum of \$2,015,931 is hereby lapsed.

(b) On the effective date of this act, of the \$21,247,425 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 2(a) of chapter 19 of the 2019 Session Laws of Kansas from the state general fund in the KPERS – employer contributions – USDs account (652-00-1000-0110), the sum of \$6,869,706 is hereby lapsed.

(c) On the effective date of this act, of the \$12,673,886 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 79(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the mental health intervention team pilot account (652-00-1000-0150), the sum of \$1,215,004 is hereby lapsed.

(d) On the effective date of this act, any unencumbered balance in the education super highway account (652-00-1000-0180) of the state general fund is hereby lapsed.

(e) On the effective date of this act, of the \$5,060,528 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 79(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the school district juvenile detention facilities and Flint Hills job corps center grants account (652-00-1000-0290), the sum of \$782,064 is hereby lapsed.

(f) On the effective date of this act, of the \$360,693 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 79(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the governor's teaching

excellence scholarships and awards account (652-00-1000-0770), the sum of \$140,755 is hereby lapsed.

(g) On the effective date of this act, of the \$89,659,017 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 2(a) of chapter 19 of the 2019 Session Laws of Kansas from the state general fund in the state foundation aid account (652-00-1000-0820), the sum of \$18,897,038 is hereby lapsed.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2021, as authorized by section 79 of chapter 5 of the 2020 Session Laws of Kansas, this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys to recommend additional compensation in the amount of \$500 to each classroom teacher employed by a board of education in school year 2020-2021 for duties beyond the normal scope related to teaching during a pandemic, including, but not limited to, creation of new lesson plans for remote and distance instruction modes, classroom modifications for social distancing, maintaining sanitary conditions and home visits: *Provided*, That, the boards of education shall review the moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260 or any other federal law that appropriates moneys to the state for aid for coronavirus relief, to determine if such funds may be available for such purpose: *Provided further*, That, for the purposes of this section, "classroom teacher" means any person who holds a certificate to teach and is under contract to teach on a full-time basis by a board of education and any person who is under contract to teach on a full-time basis by a board of education but who does so pursuant to a licensure waiver granted pursuant to rules and regulations of the state department of education, and does not include any superintendent, assistant superintendent, supervisor or principal employed pursuant to K.S.A. 72-1134, and amendments thereto, person who holds a student teaching license, paraprofessional or any other person employed by a board of education.

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, 2022, the following:

Operating expenditures (including official hospitality)	
(652-00-1000-0053).....	\$14,109,493
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.	
KPERS-school employer contributions-non-USDs	
(652-00-1000-0100).....	\$41,853,675

*Provided*, That any unencumbered balance in the KPERS-school employer contributions-non-USDs account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

KPERS-school employer contributions-USDs  
 (652-00-1000-0110).....\$537,971,506

*Provided*, That any unencumbered balance in the KPERS-school employer contributions-USDs account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

KPERS layering payment  
 (652-00-1000-0120).....\$6,400,000

KPERS layering payment #2  
 (652-00-1000-0121).....\$19,400,000

ACT and workkeys assessments  
 program (652-00-1000-0140).....\$2,800,000

Mental health intervention  
 team pilot (652-00-1000-0150).....\$7,534,722

Education commission of  
 the states (652-00-1000-0220).....\$67,700

School safety hotline  
 (652-00-1000-0230).....\$10,000

School district juvenile detention facilities  
 and Flint Hills job corps center  
 grants (652-00-1000-0290).....\$5,060,528

*Provided*, That any unencumbered balance in the school district juvenile detention facilities and Flint Hills job corps center grants account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*; That expenditures shall be made from the school district juvenile detention facilities and Flint Hills job corps center grants account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-1173, and amendments thereto.

School food assistance  
 (652-00-1000-0320).....\$2,510,486

Mentor teacher  
 (652-00-1000-0440).....\$1,300,000

Educable deaf-blind and severely handicapped  
 children's programs aid  
 (652-00-1000-0630).....\$110,000

Special education services  
 aid (652-00-1000-0700).....\$512,880,818

*Provided*, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child, unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *And provided further*, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3425, and amendments thereto: *And provided further*, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing provisos, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3422, and amendments thereto.

Supplemental state aid  
 (652-00-1000-0840) .....\$240,000,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

School district capital outlay  
 state aid fund.....No limit

Educational technology coordinator fund  
 (652-00-2157-2157).....No limit

*Provided*, That expenditures shall be made by the above agency for the fiscal year ending June 30, 2022, from the educational technology coordinator fund of the department of education to provide data on the number of school districts served and cost savings for those districts in fiscal year 2022 in order to assess the cost effectiveness of the position of educational technology coordinator.

Communities in schools program fund  
 (652-00-2221-2400).....No limit

Inservice education workshop fee fund  
 (652-00-2230-2010).....No limit

*Provided*, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: *Provided further*, That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further*, That all fees received for inservice workshops and

conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Federal indirect cost reimbursement fund  
 (652-00-2312-2200).....No limit

Conversion of materials and equipment fund  
 (652-00-2420-2020).....No limit

School bus safety fund  
 (652-00-2532-2300).....No limit

State safety fund  
 (652-00-2538-2030).....No limit

*Provided*, That notwithstanding the provisions of K.S.A. 8-272, and amendments thereto, or any other statute, funds shall be distributed during fiscal year 2022 as soon as moneys are available.

Motorcycle safety fund  
 (652-00-2633-2050).....No limit

Teacher and administrator fee fund  
 (652-00-2723-2060).....No limit

Service clearing fund  
 (652-00-2869-2800).....No limit

School district capital improvements  
 fund (652-00-2880-2880).....No limit

*Provided*, That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72-5457, and amendments thereto.

Reimbursement for services fund  
 (652-00-3056-3200).....No limit

ESSA – student support academic enrichment –  
 federal fund (652-00-3113-3113).....No limit

Educationally deprived children – state operations –  
 federal fund (652-00-3131-3130).....No limit

Food assistance –  
 federal fund (652-00-3230-3020).....No limit

Elementary and secondary school aid –  
 federal fund (652-00-3233-3040).....No limit

Education of handicapped children fund – federal  
 (652-00-3234-3050).....No limit

Community-based child abuse prevention –  
 federal fund (652-00-3319-7400).....No limit

TANF children's programs – federal fund  
 (652-00-3323-0531).....No limit

21 <sup>st</sup> century community learning centers – federal fund (652-00-3519-3890).....	No limit
State assessments – federal fund (652-00-3520-3800).....	No limit
Rural and low-income schools program – federal fund (652-00-3521-3810).....	No limit
Language assistance state grants – federal fund (652-00-3522-3820).....	No limit
State grants for improving teacher quality – federal fund (652-00-3526-3860).....	No limit
State grants for improving teacher quality – federal fund – state operations (652-00-3527-3870).....	No limit
Food assistance – school breakfast program – federal fund (652-00-3529-3490).....	No limit
Food assistance – national school lunch program – federal fund (652-00-3530-3500).....	No limit
Food assistance – child and adult care food program – federal fund (652-00-3531-3510).....	No limit
Elementary and secondary school aid – federal fund – local education agency fund (652-00-3532-3520).....	No limit
Education of handicapped children fund – state operations – federal fund (652-00-3534-3540).....	No limit
Education of handicapped children fund – preschool – federal fund (652-00-3535-3550).....	No limit
Education of handicapped children fund – preschool state operations – federal (652-00-3536-3560).....	No limit
Elementary and secondary school aid – federal fund – migrant education fund (652-00-3537-3570).....	No limit
Elementary and secondary school aid – federal fund – migrant education – state operations (652-00-3538-3580).....	No limit
Vocational education title I – federal fund – (652-00-3539-3590).....	No limit
Vocational education title I – federal fund – state operations (652-00-3540-3600).....	No limit
Educational research grants and projects fund (652-00-3592-3070).....	No limit

Coronavirus relief fund – federal fund  
(652-00-3753).....No limit

Local school district contribution  
program checkoff fund  
(652-00-7005-7005).....No limit

*Provided*, That notwithstanding the provisions of K.S.A. 79-3221n, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2022, any moneys in such fund where a taxpayer fails to designate a unified school district on such taxpayer's individual income tax return may be expended by the above agency on educational programming.

Governor's teaching excellence  
scholarships program repayment fund  
(652-00-7221-7200).....No limit

*Provided*, That all expenditures from the governor's teaching excellence scholarships program repayment fund shall be made in accordance with K.S.A. 72-2166, and amendments thereto: *Provided further*; That each such grant shall be required to be matched on a \$1-for-\$1 basis from nonstate sources: *And provided further*; That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*; That all moneys received by the department of education for repayment of grants made under the governor's teaching excellence scholarships program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the governor's teaching excellence scholarships program repayment fund.

Private donations, gifts, grants and bequests fund  
(652-00-7307-5000).....No limit

Family and children investment fund  
(652-00-7375).....No limit

State school district finance fund  
(652-00-7393).....No limit

Mineral production education fund  
(652-00-7669-7669).....No limit

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2022, the following:

Children's cabinet accountability fund  
(652-00-2000-2402).....\$375,000

*Provided*, That any unencumbered balance in the children's cabinet accountability fund account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

CIF grants (652-00-2000-2408).....\$18,129,848  
*Provided*, That any unencumbered balance in the CIF grants account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Quality initiative infants and toddlers  
 (652-00-2000-2420).....\$500,000  
*Provided*, That any unencumbered balance in the quality initiative infants and toddlers account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Early childhood block grant autism diagnosis  
 (652-00-2000-2422).....\$50,000  
*Provided*, That any unencumbered balance in the early childhood block grant autism diagnosis account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Parent education program  
 (652-00-2000-2510).....\$8,437,635  
*Provided*, That any unencumbered balance in the parent education program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022:  
*Provided further*, That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount that is equal to not less than 50% of the grant.

Communities aligned in early development  
 and education (652-00-2000-2550).....\$1,000,000  
 Pre-K pilot (652-00-2000-2535).....\$4,200,000

(d) On July 1, 2021, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-1,148 or 38-1808, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$50,000 from the family and children trust account of the family and children investment fund (652-00-7375-7900) of the department of education to the communities in schools program fund (652-00-2221-2400) of the department of education.

(e) On March 30, 2022, and June 30, 2022, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$550,000 from the state safety fund (652-00-2538-2030) to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state safety fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed on behalf of the department of education by other state agencies that receive appropriations from the state general fund to provide such services.

(f) On July 1, 2021, and quarterly thereafter, the director of accounts and reports shall transfer \$73,750 from the state highway fund of the department of transportation to the school bus safety fund (652-00-2532-2300) of the department of education.

(g) On July 1, 2021, the director of accounts and reports shall transfer an amount certified by the commissioner of education from the motorcycle safety fund (652-00-2633-2050) of the department of education to the motorcycle safety fund (561-00-2366-2360) of the state board of regents: *Provided*, That the amount to be transferred shall be determined by the commissioner of education based on the amounts required to be paid pursuant to K.S.A. 8-272(b)(2), and amendments thereto.

(h) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$70,000 from the USAC E-rate program federal fund (561-00-3920-3920) of the state board of regents to the education technology coordinator fund (652-00-2157-2157) of the department of education.

(i) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2022, the following:

Children's cabinet administration  
(652-00-7000-7001).....\$260,535

*Provided*, That any unencumbered balance in the children's cabinet administration account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(j) During the fiscal year ending June 30, 2022, the commissioner of education, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2022 from the state general fund for the department of education to another item of appropriation for fiscal year 2022 from the state general fund for the department of education. The commissioner of education shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(k) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2022, the following:

KPERS – school employer contribution  
(652-00-1700-1700).....\$41,143,515

*Provided*, That during the fiscal year ending June 30, 2022, the amount appropriated from the expanded lottery act revenues fund in the KPERS – school employer contribution account (652- 00-1700-1700) for the department of education shall be for the purpose of reducing the unfunded actuarial liability of the Kansas public employees retirement system attributable to the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, in accordance with K.S.A. 74-8768, and amendments thereto.

(l) On July 1, 2021, of the \$2,440,966,522 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 80(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the state foundation aid account (652-00-1000-0820), the sum of \$3,344,193 is hereby lapsed.

(m) Notwithstanding the provisions of any other statute, any appropriation act or any other provision of this act, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260, the American rescue plan act of 2021, public law 117-2, or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for such purpose to provide school safety and security grants: *Provided*, That such expenditures shall not exceed \$5,000,000: *Provided further*, That expenditures shall be made for fiscal year 2022 for disbursements of grant moneys approved by the state board of education for the acquisition and installation of security cameras and any other systems, equipment and services necessary for security monitoring of facilities operated by a school district and for securing doors, windows and any entrances to such facilities: *Provided further*, That all moneys expended for school safety and security grants for fiscal year 2022 shall be matched by the receiving school district on a \$1-for-\$1 basis from other moneys of the district that may be used for such purpose as permitted under federal law: *Provided further*, That if the above agency determines such moneys may not be used for such purposes, expenditures shall not be made and the agency shall send a copy of such determination to the director of the budget and the director of legislative research.

(n) Notwithstanding the provisions of any other statute, any appropriation act or any other provision of this act, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260, the American rescue plan act of 2021, public law 117-2, or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for such purpose for the mental health intervention team pilot program: *Provided*, That such expenditures shall not exceed \$3,924,160: *Provided further*, That if the above agency determines such moneys may not be used for such purposes, expenditures shall not be made and the agency shall send a copy of such determination to the director of the budget and the director of legislative research.

(o) Notwithstanding the provisions of any other statute, any appropriation act or any other provision of this act, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260, the American rescue plan act of 2021, public law 117-2, or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for such purpose for the communities in schools program: *Provided*, That such expenditures shall not exceed \$100,000: *Provided further*, That if the above agency determines such moneys may not be used for such purposes, expenditures shall not be made and the agency shall send a copy of such determination to the director of the budget and the director of legislative research.

(p) Notwithstanding the provisions of any other statute, any appropriation act or any other provision of this act, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260 or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for such purpose to implement phase 3 of the language assessment program: *Provided, however*, That if the above agency determines such moneys may not be used for such purposes, expenditures shall be made by the above agency from the moneys appropriated from the state general fund or from any other special revenue fund or funds for fiscal year 2022, as authorized by section 80 of chapter 5 of the 2020 Session Laws of Kansas, this or other appropriation act of the 2021 regular session of the legislature to such agency to implement phase 3 of the language assessment program: *Provided further*, That, prior to such implementation, the above agency shall consult with the Kansas children's cabinet and the Kansas state school for the deaf on best practices for such implementation.

Sec. 3.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

State foundation aid  
 (652-00-1000-0820).....\$2,524,235,833

*Provided*, That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Supplemental state aid  
(652-00-1000-0840).....\$534,100,000

*Provided*, That any unencumbered balance in the supplemental state aid account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

State school district finance fund  
(652-00-7393).....No limit

Mineral production education fund  
(652-00-7669-7669).....No limit

New Sec. 4. (a) Sections 4 through 20, and amendments thereto, shall be known and may be cited as the student empowerment act.

(b) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 5. The legislature hereby declares that the purpose and intent of the student empowerment act is:

(a) To provide suitable provision for finance of the educational interests of all students in the state through all manner of education that suitably prepares our children to be productive members of our collective workforce and society;

(b) to protect the people's common interest in providing intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools and other forms of education and their related activities that support the legislative goal established in K.S.A. 72-3218, and amendments thereto, by acknowledging the unique individuality and life experiences of each student and by recognizing each student's varied educational, social, emotional and environmental needs;

(c) to highlight the diversity of acquired knowledge needed to become productive members of society, while also recognizing the reality that a policy of "one size fits all" does not ensure that all students will be successful;

(d) to acknowledge that each student must be considered as a unique individual, with different educational supports needed to best function in the changing world; and

(e) to respect and invite parents to be their child's educational opportunity steward from an academic, social, emotional and spiritual perspective that aligns their child with the best educational delivery model and environment.

(f) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 6. As used in sections 4 through 20, and amendments thereto:

(a) "Account" means a student empowerment account.

(b) "BASE aid" means the amount of base aid for student excellence set forth in K.S.A. 72-5132, and amendments thereto, for the immediately preceding school year.

(c) "Eligible student" means a resident of Kansas who has not graduated from high school or obtained a general educational development credential, and who on and after July 1, 2022:

(1) Has been identified by such student's resident school district as eligible to receive at-risk educational program services because such student:

(A) Is or has been determined to be performing below grade level in either English language arts or mathematics;

(B) has a high rate of absenteeism; or

(C) has been identified as eligible to receive at-risk educational program services for any other reason specified by the school district; or

(2) has a student empowerment account established on their behalf pursuant to section 10, and amendments thereto.

(d) "Parent" means a parent, legal guardian, custodian or other person with authority to act on behalf of an eligible student.

(e) "Postsecondary educational institution" means any postsecondary educational institution or any private or out-of-state postsecondary educational institution as such terms are defined in K.S.A. 74-3201b, and amendments thereto.

(f) "Program" means the student empowerment program established under section 7, and amendments thereto.

(g) "Qualified private school" means any nonpublic school that:

(1) Provides education to elementary or secondary students;

(2) is accredited by the state board of education or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure;

(3) provides instruction in those subjects required by K.S.A. 72-3214, 72-3217 and 72-3235, and amendments thereto; and

(4) is approved by the treasurer pursuant to section 15, and amendments thereto.

(h) "Resident school district" means the school district in which an eligible student is currently or would be enrolled based on such eligible student's residence.

(i) "Treasurer" means the state treasurer or the state treasurer's designee.

(j) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 7. (a) The student empowerment program is hereby established and shall be administered by the treasurer. Except as provided in section 9, and amendments thereto, on and after July 1, 2022, the treasurer shall establish a student empowerment account for each eligible student whose parent satisfies the requirements of this act.

(b) The treasurer shall maintain an explanation of the following information on the treasurer's website and provide a hard copy of such information to any person upon request:

(1) The options for participation in the program as provided in section 11, and amendments thereto;

(2) the allowable uses of moneys in a student empowerment account;

(3) the responsibilities of a parent of an eligible student participating in the program;

(4) the effect of participation in the program by eligible students with an individualized education program (IEP) or an education plan under section 504 of the rehabilitation act of 1973, 29 U.S.C. § 794 (section 504 plan);

- (5) the duties of the treasurer;
  - (6) the procedure for appealing a decision of the treasurer;
  - (7) the name and telephone number of the treasurer's employee who may be contacted if a parent has questions about the program; and
  - (8) a list of qualified private schools.
- (c) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 8. (a) Whenever a student becomes eligible for the student empowerment program, such student's resident school district shall notify the parent of such student. Such notice shall include an explanation of the basis for such child's eligibility for the program, a copy of the results of the most recently administered state assessment for English language arts and state assessment for mathematics for such child, the name and telephone number of the school district employee who may be contacted if the parent has questions about the program and the name and telephone number of an employee of both the department of education and the state treasurer's office who may be contacted regarding the program. Such notice shall also include either a written description of the program, including the information described in section 7(b), and amendments thereto, or the website address where such description may be found on the treasurer's website. The school district shall continue to provide such notice each year that the student remains enrolled in the school district and remains eligible for the program.

- (b) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 9. (a) For an eligible student to participate in the program, the parent of such eligible student shall enter into a written agreement with the treasurer, in such manner and form as prescribed by the treasurer.

(b) The agreement between the parent of an eligible student and the treasurer shall provide that:

- (1) The eligible student shall participate in the program in accordance with section 11, and amendments thereto;
- (2) the treasurer shall establish an account for the eligible student in the student empowerment fund established by section 10, and amendments thereto;
- (3) the parent shall comply with all requirements and rules and regulations of the program; and
- (4) the moneys in the eligible student's account shall only be expended as authorized by the program.

(c) Only one account may be established for each eligible student. A parent acting on behalf of more than one eligible student shall have a separate written agreement for each eligible student.

(d) A written agreement entered pursuant to this act shall expire on July 31 immediately following the date the agreement becomes effective but may be terminated prior to such date pursuant to subsection (e). Each written agreement may be renewed by August 1 upon the written consent of the parent and the treasurer in a manner determined by the treasurer, except that the parent may submit a request to the treasurer for an extension of time for renewal not to exceed 30 days. Failure to renew a written agreement does not preclude renewal of such written agreement in a subsequent year. A written agreement that has been terminated pursuant to subsection (e) shall not be renewed.

(e) (1) A written agreement may be terminated by the treasurer upon a determination that:

(A) Moneys in an account have been used for purposes other than those allowed by the program;

(B) the eligible student no longer satisfies the qualifications of an eligible student; or

(C) the eligible student no longer participates in the program in accordance with section 11, and amendments thereto.

(2) A written agreement may be terminated by a parent at any time. To terminate a written agreement, such parent shall notify the treasurer in writing of such termination.

(3) When a written agreement is terminated, the account associated with such agreement shall be deemed inactive, and the treasurer shall close the account in accordance with section 10, and amendments thereto.

(f) If an otherwise eligible student is participating in the tax credit for low income students scholarship program act pursuant to K.S.A. 72-4351 et seq., and amendments thereto, the treasurer:

(1) Shall not enter into a written agreement with the parent on behalf of such student or establish an account on behalf of such student; and

(2) if a written agreement has already been effectuated between the parent of such student and the treasurer, shall close any account that was established on behalf of such student and terminate such written agreement.

(g) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 10. (a) (1) There is hereby established in the state treasury the student empowerment fund to be administered by the treasurer. Moneys in the student empowerment fund shall be expended only for the purposes established in this act. All moneys received pursuant to section 12, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the student empowerment fund.

(2) The director of accounts and reports shall create a procedure for the student empowerment fund to have individual student accounts therein. Each student's accumulated moneys in the student's account shall earn interest based on: (A) The average daily balance of moneys in each student's account for the preceding month; and (B) the net earnings rate of the pooled money investment portfolio for the preceding month. The amount of interest earned shall be added monthly to each student's account in the student empowerment fund.

(b) Upon execution of an agreement in accordance with section 9, and amendments thereto, the treasurer shall establish an account in the student empowerment fund in the state treasury in the name of the eligible student. Upon establishment of such account, the treasurer shall notify the resident school district of the establishment of such account for the eligible student.

(c) (1) If the eligible student is enrolled in a qualified private school, the treasurer shall transfer to such eligible student's account in the student empowerment fund an aggregate annual amount equal to the BASE aid.

(2) If the eligible student continues to be enrolled in such student's resident school district part-time, the treasurer shall transfer to such eligible student's account in the student empowerment fund an aggregate annual amount equal to that portion of the BASE aid that is inversely proportional to the amount of time such student is enrolled in such student's resident school district.

(d) The treasurer shall make transfers required under subsection (c) in quarterly installments pursuant to a schedule determined by the treasurer.

(e) The treasurer may deduct a percentage of the aggregate annual amount to be transferred into an eligible student's account as reimbursement for the administrative costs of implementing the provisions of this act as follows:

(1) Up to 5% each year for the first two years moneys are transferred to an eligible student's account; and

(2) up to 2.5% for the third year and for each subsequent year moneys are transferred to an eligible student's account.

(f) No transfers shall be made to an eligible student's account after such student has graduated from high school.

(g) (1) Each account shall remain active until:

(A) A written agreement is terminated pursuant to section 9, and amendments thereto;

(B) July 31 following the date on which the eligible student graduates from high school; or

(C) there are two consecutive years of nonrenewal of an agreement.

(2) If the treasurer determines an account is inactive, the treasurer shall close the account and certify the amount of moneys remaining in the account to the director of accounts and reports. Such certified amount shall remain in the student empowerment fund.

(h) The treasurer shall contract with a third party pursuant to competitive bids for a system for payment of services by participating parents by electronic funds transfer. Such system shall not require parents to be reimbursed for allowable expenses. All electronic funds transfers shall only be for expenditures approved by the treasurer.

(i) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 11. (a) An eligible student whose parent has entered into an agreement with the treasurer in accordance with section 9, and amendments thereto, shall participate in the program by:

(1) Continuing part-time enrollment in such student's resident school district and receiving additional educational services as allowed under the program; or

(2) enrolling in a qualified private school.

(b) Each year, the parent of a student participating in the program shall report to the treasurer whether such student is enrolled in such student's resident school district and, if so, the number of hours such student is attending.

(c) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 12. (a) On or before August 1 of each year, the treasurer shall determine the amount to be transferred to the student empowerment fund by:

(1) Multiplying an amount equal to the BASE aid by the total number of eligible students participating in the program, who are enrolled in a qualified private school;

(2) for each eligible student participating in the program who is enrolled part-time in a school district, multiplying an amount equal to the BASE aid by a ratio that is the

inverse proportion of the amount of time each such student is enrolled and attending public school;

(3) adding together the amounts determined under paragraph (2) for all such students; and

(4) adding the total amounts determined under paragraphs (1) and (3). The resulting sum is the amount to be transferred to the student empowerment fund.

(b) The treasurer shall certify the resulting amounts to the director of accounts and reports. Upon receipt of such certification, the director shall transfer such certified amount from the state general fund to the student empowerment fund established in section 10, and amendments thereto.

(c) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 13. (a) Moneys in the eligible student's account may be accessed by such eligible student's parent but shall only be expended by such parent for the following purposes:

(1) Tuition and fees charged by a qualified private school;

(2) textbooks and other supplies required by a qualified private school;

(3) fees for transportation provided by a qualified private school that is required for the eligible student to travel to and from such qualified private school;

(4) educational therapies or services provided by a licensed or accredited education provider;

(5) tutoring services provided by a certified tutor;

(6) curriculum materials;

(7) tuition or fees charged by an accredited private online learning program;

(8) fees for any nationally standardized norm-referenced achievement test, advanced placement examination or other examination related to admission to a postsecondary educational institution;

(9) services, programs, activities, classes or any other resources or programs provided or contracted by a school district;

(10) tuition and fees charged by a postsecondary educational institution; and

(11) any other education expenses approved by the treasurer.

(b) The treasurer shall notify the parent of any expenditures from an eligible student's account that do not meet the requirements of subsection (a). Such parent shall repay the cost of any such expenditures within 30 days of notification by the treasurer.

(c) Except as provided in section 10, and amendments thereto, funds remaining in an account at the end of a school year shall roll over to the next succeeding school year.

(d) A qualified private school providing education services purchased with funds from an account shall not share, refund or rebate any portion of such funds to the parent or eligible student. Any such refund or rebate shall be made directly into the eligible student's account.

(e) No personal deposits may be made into an account.

(f) The treasurer shall conduct or contract to conduct annual audits of eligible student accounts to ensure compliance with the provisions of this act and may conduct or contract to conduct additional audits of eligible student accounts, as needed.

(g) If the treasurer determines moneys in an account have been used for purposes other than those allowed by subsection (a), the treasurer may:

(1) Prohibit expenditures from the account until such time as determined by the treasurer;

(2) prorate amounts to be deposited in such account under section 10, and amendments thereto, by an amount equal to the total amount used for purposes other than those allowed by subsection (a); or

(3) terminate the account.

(h) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 14. (a) On or before August 1, 2023, and each year thereafter, the treasurer shall certify to the state board of education the names of the students participating in the student empowerment program, the resident school district of each such student and the qualified private school, if any, each such student is attending in the current school year.

(b) (1) On or before September 1, 2022, and each year thereafter, the state board shall determine the adjusted weightings funding amount in accordance with paragraph (2) and shall certify the amount so determined to the director of accounts and reports. At the same time as such certification is transmitted to the director of accounts and reports, the state board shall transmit a copy of such certification to the director of the budget and the director of legislative research. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified, and such amount is appropriated for such fiscal year, from the state general fund to the state foundation aid account of the state general fund of the department of education.

(2) For each eligible student participating in the program who has participated for less than three years, the state board shall determine the amount of such student's resident school district's state foundation aid for the last school year during which such student was enrolled full-time in such district that is attributable to that portion of the following weightings that is directly attributable to such student's enrollment in the district: The low enrollment weighting, high enrollment weighting, bilingual weighting, at-risk student weighting and career technical education weighting. The state board shall then determine the aggregate of such amounts for each resident school district and the resulting sum is the adjusted weightings funding amount.

(c) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 15. (a) To become a qualified private school, an applicant shall submit an application to the treasurer on a form and in a manner prescribed by the treasurer. Such application shall include proof that the applicant is an accredited private school and provides instruction in those subjects required by K.S.A. 72-3214, 72-3217 and 72-3235, and amendments thereto.

(b) The treasurer shall approve an application or request additional information, as necessary, to prove an applicant meets the criteria to be deemed a qualified private school within 45 days of receiving the application. If the applicant is unable to provide such additional information, the treasurer may deny the application.

(c) The treasurer shall conduct or contract to conduct an audit of a qualified private school, selected at random each year, to determine whether the qualified private school is compliant with the requirements of subsection (a).

(d) (1) The treasurer may revoke a qualified private school's approval, if the treasurer determines the qualified private school:

(A) Has routinely failed to comply with the provisions of this act or applicable rules and regulations; or

(B) has failed to provide any educational services required by law to an eligible student receiving instruction from the school, if the school is accepting payments made

from such eligible student's account.

(2) Prior to revoking a qualified private school's approval, the treasurer shall notify such school of an impending revocation and the reason for such revocation. The qualified private school shall have 30 days from the time it was notified to cure the matter identified in the notice. If the qualified private school fails to cure such matter within 30 days, such school's approval shall be revoked. A qualified private school whose approval has been revoked shall not be allowed to participate in the program until such time the treasurer determines such school is in compliance with the requirements of this act.

(3) If the treasurer revokes a qualified private school's approval, the treasurer shall immediately notify each parent of an eligible student participating in the program and receiving instruction from such school.

(e) The treasurer may notify the attorney general or the county or district attorney of the county where the qualified private school is located, if a qualified private school's approval was revoked because of misuse of moneys paid from an account.

(f) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 16. (a) Enrollment of an eligible student in a qualified private school shall be considered a parental placement of such student under the individuals with disabilities education act, 20 U.S.C. § 1400 et seq.

(b) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 17. (a) On or before December 31, 2022, and each December 31 thereafter, the treasurer shall prepare and submit a report on the student empowerment program to the state board of education. The report shall include, but is not limited to, the following information for the immediately preceding school year:

- (1) The total number of students participating in the program;
- (2) the number of participating students enrolled on a part-time basis in a school district and the average number of hours such students attended public school;
- (3) the number of participating students enrolled in a qualified private school;
- (4) the number of qualified private schools;
- (5) the results of any audits conducted or contracted for by the treasurer; and
- (6) the total cost to administer the program.

(b) On or before January 15, 2023, and each January 15 thereafter, the state board of education shall prepare and submit a report on the student empowerment program to the governor and the legislature. The report shall include, but is not limited to, the treasurer's report submitted pursuant to subsection (a) and the state foundation aid adjustments determined by the state board pursuant to section 14, and amendments thereto, for each school district for the immediately preceding school year.

(c) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 18. (a) The treasurer's actions under this act shall be subject to the Kansas administrative procedure act and reviewable under the Kansas judicial review act. Any parent of a participating student or qualified private school aggrieved by a decision of the treasurer may appeal such decision in accordance with such acts.

(b) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 19. (a) On or before January 1, 2022, the treasurer shall adopt rules and regulations necessary to carry out the provisions of this act.

(b) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 20. (a) Nothing in the student empowerment act shall be deemed to limit

the independence or autonomy of a qualified private school or to make the actions of a qualified private school the actions of the state government.

(b) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 21. (a) Except as provided in subsection (h), commencing in the 2021-2022 school year, a student enrolled in a school district shall be deemed a remotely enrolled student in the current school year if such student attended school as a full-time equivalent student through remote learning:

(1) During a state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, for more than a total of 240 school term hours during the school year, regardless of whether the state of disaster emergency continued beyond such time period; or

(2) for more than a total of 40 school term hours during the school year if no state of disaster emergency has been declared under K.S.A. 48-924, and amendments thereto.

(b) For the purposes of calculating a student's total school term hours pursuant to subsection (a), school term hours shall be counted for each day instruction is provided to the student through remote learning.

(c) On or before June 30 of each school year:

(1) A school district that offers remote learning shall determine the remote enrollment of the district based on the number of students remotely enrolled in accordance with this section;

(2) the clerk or superintendent of each school district shall certify under oath to the state board a report showing the remote enrollment of the school district determined pursuant to this section by the grades maintained in the schools of the school district. The state board shall examine such reports upon receipt, and if the state board finds any errors in any such report, the state board shall consult with the school district officer furnishing the report and make any necessary corrections in the report; and

(3) the state board shall determine the number of students who were included in the remote enrollment of each school district and recompute the enrollment of the school district as required pursuant to this section.

(d) A school district that offers remote learning and is determined to have remotely enrolled students pursuant to this section shall receive remote enrollment state aid. The state board shall determine the amount of remote enrollment state aid a school district is to receive by multiplying the remote enrollment of the school district by \$5,000. No remote enrollment state aid shall be provided for any student who participates in remote learning on a part-time basis during the school day.

(e) The state board shall notify each school district of the amount of remote enrollment state aid the district shall receive pursuant to this section and, pursuant to K.S.A. 72-5136, and amendments thereto, shall:

(1) Require the district to remit any such amount of overpayment made to the district in the current school year; or

(2) deduct the excess amounts paid to the district from future payments made to the school district.

(f) If a student is included in the remote enrollment of a district pursuant to this section, such student shall not be included in the adjusted enrollment of the district in the current school year.

(g) Each school district that determines remote enrollment pursuant to this section shall submit any documentation or information that may be required by the state board.

(h) This section shall not apply to any school district that, due to a disaster, is granted a waiver by the state board of education from the requirements of law relating to the remote learning limitations imposed pursuant to K.S.A. 72-3115, and amendments thereto. Any school district that is granted such waiver shall not be required to determine remote enrollment pursuant to this section and shall determine the district's enrollment as provided in K.S.A. 72-5132, and amendments thereto.

(i) This section shall be a part of and supplemental to the Kansas school equity and enhancement act.

(j) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 22. (a) A student shall be identified as eligible to receive at-risk programs and services if the student meets one or more of the following criteria:

- (1) Is not working on academic grade level;
- (2) is not meeting the requirements necessary for promotion to the next grade or is failing subjects or courses of study;
- (3) is not meeting the requirements necessary for graduation from high school or has the potential to drop out of school;
- (4) has insufficient mastery of skills or is not meeting state standards;
- (5) has been retained;
- (6) has a high rate of absenteeism;
- (7) has repeated suspensions or expulsions from school;
- (8) is homeless or migrant;
- (9) is identified as an English language learner;
- (10) has social-emotional needs that cause the student to be unsuccessful in school;

or

(11) is identified as a student with dyslexia.

(b) This section shall be a part of and supplemental to the Kansas school equity and enhancement act.

(c) This section shall take effect and be in force from and after July 1, 2021.

Sec. 23. On and after July 1, 2021, K.S.A. 72-1163 is hereby amended to read as follows: 72-1163. (a) Each year the board of education of a school district shall conduct an assessment of the educational needs of each attendance center in the district. Information obtained from such needs-assessment shall be used by the board when preparing the budget of the school district to ensure improvement in student academic performance. The budget of the school district shall allocate sufficient moneys in a manner reasonably calculated such that all students may achieve the goal set forth in K.S.A. 72-3218(c), and amendments thereto. The board also shall prepare a summary of the budget for the school district. The budgets and summary shall be in the form prescribed by the director pursuant to K.S.A. 79-2926, and amendments thereto.

(b) The budgets and the summary of the proposed budget shall be on file at the administrative offices of the school district. Copies of such budgets and summary shall be available upon request.

(c) The notice required to be published by K.S.A. 79-2929, and amendments thereto, shall include a statement that the budgets and the summary of the proposed budget is on file at the administrative offices of the district and that copies of such budgets and summary are available upon request.

Sec. 24. On and after July 1, 2021, K.S.A. 72-3115 is hereby amended to read as follows: 72-3115. (a) (1) Subject to the ~~other~~ provisions of this section, a school term

during which public school shall be maintained in each school year by each school district organized under the laws of this state shall consist of not less than 186 school days for ~~pupils students~~ attending kindergarten or any of the grades one through 11 and not less than 181 school days for ~~pupils students~~ attending grade 12.

(2) Except as provided in subsection (j), the days of the school term during which school shall be maintained pursuant to this section only include days that allow each student enrolled in a school district to physically attend school in person on a full-time basis.

(b) (1) Subject to a policy developed and adopted by the board of any school district and the provisions of this section, the board may provide for a school term consisting of school hours. A school term provided for in a policy adopted under this subsection shall consist of: ~~(1) (A) For pupils students attending kindergarten, not less than 465 school hours in each school year; and (2) (B) for pupils students attending any of the grades one through 11, not less than 1,116 school hours in each school year; and (3) (C) for pupils students attending grade 12, not less than 1,086 school hours in each school year.~~ Each board of education ~~which that~~ develops and adopts a policy providing for a school term in accordance with this subsection shall notify the state board of education thereof on or before September 15 in each school year for which the policy is to be in effect.

(2) Except as provided in subsection (j), if a board provides for a school term pursuant to this subsection, the school hours during which school shall be maintained pursuant to this section only include hours that allow each student enrolled in a school district to physically attend school in person on a full-time basis.

(c) Subject to a plan developed and adopted by the board of any school district, the board may schedule the school days required for a school term provided for under subsection (a), or the school hours required for a school term provided for in a policy adopted under subsection (b), on a trimestral or quarterly basis. Each board of education ~~which that~~ develops and adopts a plan providing for the scheduling of the school days or school hours of the school term on a trimestral or quarterly basis shall submit the plan to the state board of education for approval prior to implementation. The plan shall be prepared in such form and manner as the state board shall require and shall be submitted at a time or times to be determined and specified by the state board.

(d) Subject to a policy developed and adopted by the board of any district as an adjunct to the district's disciplinary policy or as a part of the district's school improvement plan, the board may schedule school days in addition to the school days scheduled for a school term provided for under subsection (a), or school hours in addition to the school hours scheduled for a school term provided for in a policy adopted under subsection (b), or both such additional school days and school hours for ~~pupils students~~ who are in need of remedial education or who are subject to disciplinary measures imposed under the district's disciplinary policy. Any school day or school hour scheduled for a ~~pupil student~~ under a policy adopted under this subsection may be scheduled on weekends, before or after regular school hours, and during the summer months. Inexcusable absence from school on any school day or during any school hour by any ~~pupil student~~ for whom additional school days or school hours have been scheduled under a policy adopted under this subsection shall be counted as an inexcusable absence from school for the purposes of K.S.A. 72-3121, and amendments thereto.

(e) If the board of any school district, or its designee, shall determine that inclement weather will cause hazardous driving conditions, the board, or its designee, may close any or all of the schools within the district. The amount of time ~~pupils~~ students have been in attendance when such determination is made shall be considered a school day of a school term or shall be considered the number of school hours for ~~pupils~~ students to be in attendance at school in a day, whichever is applicable. Consonant with the other provisions of this section, a board may schedule any number of days or hours in excess of the regularly scheduled school days or school hours ~~which that~~ the board determines will be necessary to compensate for those school days or school hours that schools of the district will remain closed during the school term due to hazardous driving conditions. If the number of days or hours schools remain closed due to hazardous driving conditions exceeds the number of days or hours scheduled by the board to compensate for such school days or school hours, the excess number of days or hours, not to exceed whichever is the lesser of: (1) The number of compensatory days or hours scheduled by the board; or (2) five days or the number of school hours regularly scheduled in five days, that schools remain closed due to such conditions shall be considered school days or school hours.

(f) The state board of education may waive the requirements of law relating to the duration of the school term upon application for such waiver by a school district. Such waiver may be granted by the state board of education upon: (1) Certification by a board that, due to the persistence of inclement weather, hazardous driving conditions have existed in the school district for an inordinate period of time; and (2) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with statutory requirements. Such waiver shall not exempt a school district from providing a school offering for each ~~pupil~~ which student that is substantially equivalent to that required by law.

(g) Time reserved for parent-teacher conferences for discussions on the progress of ~~pupils~~ students may be considered part of the school term.

(h) Time reserved for staff development or inservice training programs for the purpose of improving staff skills, developing competency in new or highly specialized fields, improving instructional techniques, or curriculum planning and study may be considered part of the school term for an aggregate amount of time equal to the amount of time in excess of the school term ~~which that~~ is scheduled by a board of education for similar activities.

(i) Boards of education may employ noncertificated personnel to supervise ~~pupils~~ students for noninstructional activities.

(j) (1) If authorized by the state board of education, a board of education of a school district may:

(A) Provide for not more than a total of 40 days of the school term to be conducted using remote learning if such board of education is operating pursuant to the provisions of subsection (a); or

(B) provide for not more than a total of 240 school term hours to be conducted using remote learning if such board of education is operating pursuant to the provisions of subsection (b).

(2) The state board of education may authorize a school to conduct remote learning in accordance with this section in any school year upon application by a school district. The application may be granted by the state board of education upon:

(A) Certification by a school district that, due to disaster, conditions resulting from widespread or severe property damage caused by the disaster or other conditions restricting the operation of public schools will exist in the school district for an inordinate period of time; and

(B) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with the requirements of this section unless remote learning is conducted for a period of time not to exceed the limitations provided in paragraph (1) except when such limitations are waived by the state board pursuant to this section.

(3) The state board of education may waive the requirements of law relating to the remote learning limitations in any school year upon application for such waiver by a school district. The waiver may be granted by the state board of education upon:

(A) Certification by a board of education that, due to disaster, conditions resulting from widespread or severe property damage caused by the disaster or other conditions restricting the operation of public schools will exist in the school district for an inordinate period of time; and

(B) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with such requirements of law and that remote learning beyond the limitations provided in this section would allow the school district to continue to provide education to students during such conditions.

(k) As used in this section:

(1) "Disaster" means a state of disaster emergency declared by proclamation of the governor pursuant to K.S.A. 48-924, and amendments thereto, closure of schools by order issued by a county or joint board of health, a local health officer pursuant to K.S.A. 65-119, and amendments thereto, or the secretary of health and environment pursuant to K.S.A. 65-126, and amendments thereto, or occurrence of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause, including, but not limited to, fire, flood, earthquake, tornado, wind, storm, epidemics, air contamination, blight, drought, infestation or explosion.

(2) "Remote learning" means a method of providing education in which a student, although regularly enrolled in a school district, does not physically attend the attendance center such student would otherwise attend in person on a full-time basis and curriculum and instruction are prepared, provided and supervised by teachers and staff of such school district so as to approximate the student learning experience that would take place in the attendance center classroom.

Sec. 25. On and after July 1, 2021, K.S.A. 2020 Supp. 72-3117 is hereby amended to read as follows: 72-3117. (a) Except as provided in K.S.A. 72-3115, and amendments thereto, the state board of education may waive the requirements of law relating to the duration of the school term in any school year upon application for such waiver by a school district. The waiver may be granted by the state board of education upon: (1) Certification by a board of education that, due to disaster, conditions resulting from widespread or severe property damage caused by the disaster ~~or other conditions restricting the operation of public schools~~ will exist in the school district for an inordinate period of time; and (2) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with such requirements of law. The period of time school is not maintained during any school year due to conditions resulting from disaster, upon granting of the waiver by the state board of education,

shall be considered a part of the school term.

(b) As used in this section, the term "disaster" means ~~the declaration of a state of disaster emergency by the governor pursuant to K.S.A. 48-924, and amendments thereto, closure of schools by order issued by a county or joint board of health, a local health officer pursuant to K.S.A. 65-119, and amendments thereto, or the secretary of health and environment pursuant to K.S.A. 65-126, and amendments thereto, or~~ occurrence of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause, including, but not limited to, fire, flood, earthquake, tornado, wind, storm, epidemics, air contamination, blight, drought, infestation or explosion.

Sec. 26. On and after July 1, 2021, K.S.A. 2020 Supp. 72-4352 is hereby amended to read as follows: 72-4352. As used in the tax credit for low income students scholarship program act:

(a) "Contributions" means monetary gifts or donations and in-kind contributions, gifts or donations that have an established market value.

(b) "Department" means the Kansas department of revenue.

(c) "Educational scholarship" means an amount not to exceed \$8,000 per school year provided to an eligible student, or to a qualified school with respect to an eligible student, to cover all or a portion of the costs of education including tuition, fees and expenses of a qualified school and, if applicable, the costs of transportation to a qualified school if provided by such qualified school.

(d) "Eligible student" means a child who:

(1) ~~(A) Is an at-risk student, as defined in K.S.A. 72-5132, and amendments thereto, and who is attending a public school; or (B) has been eligible to receive an educational scholarship under this program and has not graduated from high school or reached 21 years of age;~~

~~(2) Resides in Kansas while eligible for an educational scholarship; and~~

~~(3) (A)(2) (A) (i) Is eligible for free or reduced-price meals under the national school lunch act; and~~

~~(ii) (a) was enrolled in any public school in the previous school year in which an educational scholarship is first sought for the child; or~~

~~(b) is eligible to be enrolled in any public school in the school year in which an educational scholarship is first sought for the child and the child is under the age of six years; or~~

~~(B) has received an educational scholarship under the program and has not graduated from high school or reached the age of 21 years.~~

(e) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child.

(f) "Program" means the tax credit for low income students scholarship program established in K.S.A. 72-4351 through 72-4357, and amendments thereto.

(g) "Public school" means ~~an elementary school that is operated by a school district, and identified by the state board as one of the lowest 100 performing elementary schools with respect to student achievement among all elementary schools operated by school districts for the current school year~~ any school operated by a unified school district under the laws of this state.

(h) "Qualified school" means any nonpublic school that:

(1) Provides education to elementary or secondary students;

(2) is accredited by the state board or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure;

(3) has notified the state board of its intention to participate in the program; and

~~(4) complies with the requirements of the program. On and after July 1, 2020, a qualified school shall be accredited by the state board or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure.~~

(i) "Scholarship granting organization" means an organization that complies with the requirements of this program and provides educational scholarships to eligible students or to qualified schools in which parents have enrolled eligible students.

(j) "School district" or "district" means any unified school district organized and operating under the laws of this state.

(k) "School year" ~~shall have the meaning ascribed thereto~~ means the same as in K.S.A. 72-5132, and amendments thereto.

(l) "Secretary" means the secretary of revenue.

(m) "State board" means the state board of education.

Sec. 27. On and after July 1, 2021, K.S.A. 2020 Supp. 72-4354 is hereby amended to read as follows: 72-4354. (a) To be eligible to participate in the program, a scholarship granting organization shall comply with the following:

(1) The scholarship granting organization shall notify the secretary and the state board of the scholarship granting organization's intent to provide educational scholarships;

(2) upon granting an educational scholarship, the scholarship granting organization shall report such information to the state board;

(3) the scholarship granting organization shall provide verification to the secretary that the scholarship granting organization is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(4) upon receipt of contributions in an aggregate amount or value in excess of \$50,000 during a school year, a scholarship granting organization shall file with the state board either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the scholarship granting organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(5) scholarship granting organizations that provide other nonprofit services in addition to providing educational scholarships shall not commingle contributions made under the program with other contributions made to such organization. A scholarship granting organization under this subsection shall also file with the state board, prior to the commencement of each school year, either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the nonprofit organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state

board;

(6) each qualified school receiving educational scholarships from the scholarship granting organization shall annually certify to the scholarship granting organization its compliance with the requirements of the program;

(7) at the end of the calendar year, the scholarship granting organization shall have its accounts examined and audited by a certified public accountant. Such audit shall include, but not be limited to, information verifying that the educational scholarships awarded by the scholarship granting organization were distributed to qualified schools with respect to eligible students determined by the state board under K.S.A. 72-4353(c), and amendments thereto, and information specified in this section. Prior to filing a copy of the audit with the state board, such audit shall be duly verified and certified by a certified public accountant; and

(8) if a scholarship granting organization decides to limit the number or type of qualified schools who will receive educational scholarships, the scholarship granting organization shall provide, in writing, the name or names of those qualified schools to any contributor and the state board.

(b) No scholarship granting organization shall provide an educational scholarship with respect to any eligible student to attend any qualified school with paid staff or paid board members, or relatives thereof, in common with the scholarship granting organization.

(c) The scholarship granting organization shall disburse not less than 90% of contributions received pursuant to the program in the form of educational scholarships within 36 months of receipt of such contributions. If such contributions have not been disbursed within the applicable 36-month time period, then the scholarship granting organization shall not accept new contributions until 90% of the received contributions have been disbursed in the form of educational scholarships. Any income earned from contributions must be disbursed in the form of educational scholarships.

(d) A scholarship granting organization may continue to provide an educational scholarship with respect to a student who was an eligible student in the year immediately preceding the current school year.

(e)-(1) A scholarship granting organization shall direct payments of educational scholarships to the qualified school attended by the eligible student or in which the eligible student is enrolled. Payment may be made by check made payable to both the parent and the qualified school or to only the qualified school. If an eligible student transfers to a new qualified school during a school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the new qualified school based on the eligible student's attendance. If the eligible student transfers to a public school and enrolls in such public school after September 20 of the current school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the public school based on the eligible student's attendance. The prorated amount to the public school shall be considered a donation and shall be paid to the school district of such public school in accordance with K.S.A. 72-1142, and amendments thereto.

~~(2) As used in this subsection, the term "public school" means any school operated by a school district.~~

(f) Each qualified school 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 K.S.A. 2020 Supp. 72-5178, and amendments thereto, for such school are published. The link shall be prominently displayed on the school's accountability reports webpage.

(g) By June 1 of each year, a scholarship granting organization shall submit a report to the state board for the educational scholarships provided in the immediately preceding 12 months. Such report shall be in a form and manner as prescribed by the state board, approved and signed by a certified public accountant, and shall contain the following information:

- (1) The name and address of the scholarship granting organization;
- (2) the name and address of each eligible student with respect to whom an educational scholarship was awarded by the scholarship granting organization;
- (3) the total number and total dollar amount of contributions received during the 12-month reporting period; and
- (4) the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period and the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period with respect to eligible students who qualified under K.S.A. 72-4352(d), and amendments thereto.

~~(g)~~(h) No scholarship granting organization shall:

(1) Provide an educational scholarship with respect to an eligible student that is established by funding from any contributions made by any relative of such eligible student;~~or~~

(2) accept a contribution from any source with the express or implied condition that such contribution be directed toward an educational scholarship for a particular eligible student;~~or~~

(3) provide an educational scholarship to an eligible student who is participating in the student empowerment program pursuant to section 4 et seq., and amendments thereto.

Sec. 28. On and after July 1, 2021, K.S.A. 2020 Supp. 72-5131 is hereby amended to read as follows: 72-5131. K.S.A. 72-5131 through 72-5176, and amendments thereto, and K.S.A. 2020 Supp. 72-5178 ~~and 72-5179~~, and sections 21 and 22, and amendments thereto, shall be known and may be cited as the Kansas school equity and enhancement act.

Sec. 29. On and after July 1, 2021, K.S.A. 2020 Supp. 72-5132 is hereby amended to read as follows: 72-5132. As used in the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto:

(a) "Adjusted enrollment" means the enrollment of a school district, excluding the remote enrollment determined pursuant to section 21, and amendments thereto, adjusted by adding the following weightings, if any, to the enrollment of a school district: At-risk student weighting; bilingual weighting; career technical education weighting; high-density at-risk student weighting; high enrollment weighting; low enrollment weighting; school facilities weighting; ancillary school facilities weighting; cost-of-living weighting; special education and related services weighting; and transportation weighting.

(b) "Ancillary school facilities weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5158, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(c) (1) "At-risk student" means a student who is eligible for free meals under the national school lunch act, and who is enrolled in a school district that maintains an approved at-risk student assistance program.

(2) The term "at-risk student" shall not include any student enrolled in any of the grades one through 12 who is in attendance less than full time, or any student who is over 19 years of age. The provisions of this paragraph shall not apply to any student who has an individualized education program.

(d) "At-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5151(a), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(e) "Base aid for student excellence" or "BASE aid" means an amount appropriated by the legislature in a fiscal year for the designated year. The amount of BASE aid shall be as follows:

- (1) For school year 2018-2019, \$4,165;
- (2) for school year 2019-2020, \$4,436;
- (3) for school year 2020-2021, \$4,569;
- (4) for school year 2021-2022, \$4,706;
- (5) for school year 2022-2023, \$4,846; and
- (6) for school year 2023-2024, and each school year thereafter, the BASE aid shall be the BASE aid amount for the immediately preceding school year plus an amount equal to the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor during the three immediately preceding school years rounded to the nearest whole dollar amount.

(f) "Bilingual weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5150, and amendments thereto, on the basis of costs attributable to the maintenance of bilingual educational programs by such school districts.

(g) "Board" means the board of education of a school district.

(h) "Budget per student" means the general fund budget of a school district divided by the enrollment of the school district.

(i) "Categorical fund" means and includes the following funds of a school district: Adult education fund; adult supplementary education fund; at-risk education fund; bilingual education fund; career and postsecondary education fund; driver training fund; educational excellence grant program fund; extraordinary school program fund; food service fund; parent education program fund; preschool-aged at-risk education fund; professional development fund; special education fund; and summer program fund.

(j) "Cost-of-living weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5159, and amendments thereto, on the basis of costs attributable to the cost of living in such school districts.

(k) "Current school year" means the school year during which state foundation aid is determined by the state board under K.S.A. 72-5134, and amendments thereto.

(l) "Enrollment" means, except as provided in section 21, and amendments thereto:

(1) The number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the preceding school year plus the number of preschool-aged at-risk students regularly enrolled in the school district on

September 20 of the current school year, except a student who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the school district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the school district for at least one semester or two quarters, or the equivalent thereof.

(2) If the enrollment in a school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means the sum of:

(A) The enrollment in the second preceding school year, excluding students under paragraph (2)(B), minus enrollment in the preceding school year of preschool-aged at-risk students, if any, plus enrollment in the current school year of preschool-aged at-risk students, if any; and

(B) the adjusted enrollment in the second preceding school year of any students participating in the tax credit for low income students scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the preceding school year, if any, plus the adjusted enrollment in the preceding school year of preschool-aged at-risk students who are participating in the tax credit for low income students scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the current school year, if any.

(3) For any school district that has a military student, as that term is defined in K.S.A. 72-5139, and amendments thereto, enrolled in such district, and that received federal impact aid for the preceding school year, if the enrollment in such school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means whichever is the greater of:

(A) The enrollment determined under paragraph (2); or

(B) the sum of the enrollment in the preceding school year of preschool-aged at-risk students, if any, and the arithmetic mean of the sum of:

(i) The enrollment of the school district in the preceding school year, minus the enrollment in such school year of preschool-aged at-risk students, if any;

(ii) the enrollment in the second preceding school year, minus the enrollment in such school year of preschool-aged at-risk students, if any; and

(iii) the enrollment in the third preceding school year, minus the enrollment in such school year of preschool-aged at-risk students, if any.

(4) The enrollment determined under paragraph (1), (2) or (3), except if the school district begins to offer kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.

(m) "February 20" has its usual meaning, except that in any year in which February 20 is not a day on which school is maintained, it means the first day after February 20 on which school is maintained.

(n) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a school district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact

aid shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.

(o) "General fund" means the fund of a school district from which operating expenses are paid and in which is deposited all amounts of state foundation aid provided under this act, payments under K.S.A. 72-528, and amendments thereto, payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program and such other moneys as are provided by law.

(p) "General fund budget" means the amount budgeted for operating expenses in the general fund of a school district.

(q) "High-density at-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5151(b), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(r) "High enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5149(b), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(s) "Juvenile detention facility" means the same as such term is defined in K.S.A. 72-1173, and amendments thereto.

(t) "Local foundation aid" means the sum of the following amounts:

(1) An amount equal to any unexpended and unencumbered balance remaining in the general fund of the school district, except moneys received by the school district and authorized to be expended for the purposes specified in K.S.A. 72-5168, and amendments thereto;

(2) an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, ~~and amendments thereto~~, prior to their repeal;

(3) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district under the provisions of K.S.A. 72-3123(a), and amendments thereto;

(4) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district pursuant to contracts made and entered into under authority of K.S.A. 72-3125, and amendments thereto;

(5) an amount equal to the amount credited to the general fund in the current school year from moneys distributed in such school year to the school district under the provisions of articles 17 and 34 of chapter 12 of the Kansas Statutes Annotated, and amendments thereto, and under the provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto;

(6) an amount equal to the amount of payments received by the school district under the provisions of K.S.A. 72-3423, and amendments thereto;

(7) an amount equal to the amount of any grant received by the school district under the provisions of K.S.A. 72-3425, and amendments thereto; and

(8) an amount equal to 70% of the federal impact aid of the school district.

(u) "Low enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5149(a), and amendments thereto,

on the basis of costs attributable to maintenance of educational programs by such school districts.

(v) "Operating expenses" means the total expenditures and lawful transfers from the general fund of a school district during a school year for all purposes, except expenditures for the purposes specified in K.S.A. 72-5168, and amendments thereto.

(w) "Preceding school year" means the school year immediately before the current school year.

(x) "Preschool-aged at-risk student" means an at-risk student who has attained the age of three years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines governing the selection of students for participation in head start programs.

(y) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten. The terms "exceptional children" and "gifted children" have the same meaning as those terms are defined in K.S.A. 72-3404, and amendments thereto.

(z) "Psychiatric residential treatment facility" means the same as such term is defined in K.S.A. 72-1173, and amendments thereto.

(aa) (1) "Remote enrollment" means the number of students regularly enrolled in kindergarten and grades one through 12 in the school district who attended school through remote learning for any of the time periods described in section 21, and amendments thereto.

(2) This subsection shall not apply in any school year prior to the 2021-2022 school year.

(bb) (1) "Remote learning" means a method of providing education in which the student, although regularly enrolled in a school district, does not physically attend the attendance center such student would otherwise attend in person on a full-time basis and curriculum and instruction are prepared, provided and supervised by teachers and staff of such school district so as to approximate the student learning experience that would take place in the attendance center classroom.

(2) "Remote learning" does not include virtual school as such term is defined in K.S.A. 72-3712, and amendments thereto.

(3) This subsection shall not apply in any school year prior to the 2021-2022 school year.

(cc) "School district" means a school district organized under the laws of this state that is maintaining public school for a school term in accordance with the provisions of K.S.A. 72-3115, and amendments thereto.

~~(bb)~~(dd) "School facilities weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5156, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

~~(ee)~~(ce) "School year" means the 12-month period ending June 30.

~~(dd)~~(ff) "September 20" has its usual meaning, except that in any year in which September 20 is not a day on which school is maintained, it means the first day after September 20 on which school is maintained.

~~(ee)~~(gg) "Special education and related services weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5157,

and amendments thereto, on the basis of costs attributable to the maintenance of special education and related services by such school districts.

~~(ff)~~(hh) "State board" means the state board of education.

~~(gg)~~(ii) "State foundation aid" means the amount of aid distributed to a school district as determined by the state board pursuant to K.S.A. 72-5134, and amendments thereto.

~~(hh)~~(jj) (1) "Student" means any person who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 maintained by the school district or who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 in another school district in accordance with an agreement entered into under authority of K.S.A. 72-13,101, and amendments thereto, or who is regularly enrolled in a school district and attending special education services provided for preschool-aged exceptional children by the school district.

(2) (A) Except as otherwise provided in this subsection, the following shall be counted as one student:

(i) A student in attendance full-time; and

(ii) a student enrolled in a school district and attending special education and related services, provided for by the school district.

(B) The following shall be counted as  $\frac{1}{2}$  student:

(i) A student enrolled in a school district and attending special education and related services for preschool-aged exceptional children provided for by the school district; and

(ii) a preschool-aged at-risk student enrolled in a school district and receiving services under an approved at-risk student assistance plan maintained by the school district.

(C) A student in attendance part-time shall be counted as that proportion of one student ~~( $\frac{1}{2}$ )~~ to the nearest  $\frac{1}{10}$ , that the student's attendance bears to full-time attendance.

(D) A student enrolled in and attending an institution of postsecondary education that is authorized under the laws of this state to award academic degrees shall be counted as one student if the student's postsecondary education enrollment and attendance together with the student's attendance in either of the grades 11 or 12 is at least  $\frac{5}{6}$  time, otherwise the student shall be counted as that proportion of one student ~~( $\frac{1}{2}$ )~~ to the nearest  $\frac{1}{10}$ , that the total time of the student's postsecondary education attendance and attendance in grades 11 or 12, as applicable, bears to full-time attendance.

(E) A student enrolled in and attending a technical college, a career technical education program of a community college or other approved career technical education program shall be counted as one student, if the student's career technical education attendance together with the student's attendance in any of grades nine through 12 is at least  $\frac{5}{6}$  time, otherwise the student shall be counted as that proportion of one student ~~( $\frac{1}{2}$ )~~ to the nearest  $\frac{1}{10}$ , that the total time of the student's career technical education attendance and attendance in any of grades nine through 12 bears to full-time attendance.

(F) A student enrolled in a school district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one student ~~( $\frac{1}{2}$ )~~ to the nearest  $\frac{1}{10}$ , that the student's attendance at the non-virtual school bears to full-time

attendance.

(G) A student enrolled in a school district and attending special education and related services provided for by the school district and also attending a virtual school shall be counted as that proportion of one student to the nearest  $\frac{1}{10}$ , that the student's attendance at the non-virtual school bears to full-time attendance.

(H) A student enrolled in a school district and attending school on a part-time basis through remote learning and also attending school in person on a part-time basis shall be counted as that proportion of one student, to the nearest  $\frac{1}{10}$ , that the student's in-person attendance bears to full-time attendance.

~~(H)~~(I) (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.

(3) The following shall not be counted as a student:

(A) An individual residing at the Flint Hills job corps center;

(B) except as provided in paragraph (2), an individual confined in and receiving educational services provided for by a school district at a juvenile detention facility; and

(C) an individual enrolled in a school district but housed, maintained and receiving educational services at a state institution or a psychiatric residential treatment facility.

(4) A student enrolled in virtual school pursuant to K.S.A. 72-3711 et seq., and amendments thereto, shall be counted in accordance with the provisions of K.S.A. 72-3715, and amendments thereto.

(5) A student enrolled in a school district who attends school through remote learning shall be counted in accordance with the provisions of this section and section 21, and amendments thereto.

~~(ii)~~(kk) "Total foundation aid" means an amount equal to the product obtained by multiplying the BASE aid by the adjusted enrollment of a school district.

~~(jj)~~(ll) "Transportation weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5148, and amendments thereto, on the basis of costs attributable to the provision or furnishing of transportation.

~~(kk)~~(mm) "Virtual school" means the same as such term is defined in K.S.A. 72-3712, and amendments thereto.

Sec. 30. On and after July 1, 2021, K.S.A. 72-5134 is hereby amended to read as follows: 72-5134. (a) In each school year, the state board shall determine the amount of state foundation aid for each school district for such school year. The state board shall determine the amount of the school district's local foundation aid for the school year. If the amount of the school district's local foundation aid is greater than the amount of total foundation aid determined for the school district for the school year, the school district shall not receive state foundation aid in any amount. If the amount of the school district's local foundation aid is less than the amount of total foundation aid determined

for the school district for the school year, the state board shall subtract the amount of the school district's local foundation aid from the amount of total foundation aid. Subject to the provisions of subsection (b), the remainder is the amount of state foundation aid the school district shall receive for the school year.

(b) For school year 2022-2023 and each school year thereafter, the state board shall adjust the amount of state foundation aid for each school district in accordance with section 14, and amendments thereto.

Sec. 31. On and after July 1, 2021, K.S.A. 72-5151 is hereby amended to read as follows: 72-5151. (a) The at-risk student weighting of each school district shall be determined by the state board as follows:

(1) Determine the number of at-risk students included in the enrollment of the school district; and

(2) multiply the number determined under subsection (a)(1) by 0.484. The resulting sum is the at-risk student weighting of the school district.

~~(b) Except as provided in subsection (b)(4), the high-density at-risk student weighting of each school district shall be determined by the state board as follows:~~

~~(1) (A) If the enrollment of the school district is at least 35% at-risk students, but less than 50% at-risk students:~~

~~(i) Subtract 35% from the percentage of at-risk students included in the enrollment of the school district;~~

~~(ii) multiply the difference determined under subsection (b)(1)(A)(i) by 0.7; and~~

~~(iii) multiply the product determined under subsection (b)(1)(A)(ii) by the number of at-risk students included in the enrollment of the school district; or~~

~~(B) if the enrollment of the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of the school district by 0.105; or~~

~~(2) (A) if the enrollment of a school in the school district is at least 35% at-risk students, but less than 50% at-risk students:~~

~~(i) Subtract 35% from the percentage of at-risk students included in the enrollment of such school;~~

~~(ii) multiply the difference determined under subsection (b)(2)(A)(i) by 0.7; and~~

~~(iii) multiply the product determined under subsection (b)(2)(A)(ii) by the number of at-risk students included in the enrollment of such school; or~~

~~(B) if the enrollment of a school in the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of such school by 0.105; and~~

~~(C) add the products determined under subsections (b)(2)(A)(iii) and (b)(2)(B) for each such school in the school district, respectively.~~

~~(3) The high-density at-risk weighting of the school district shall be the greater of the product determined under subsection (b)(1) or the sum determined under subsection (b)(2)(C).~~

~~(4) Commencing in school year 2018-2019, school districts that qualify to receive the high density at-risk weighting pursuant to this section shall spend any money attributable to the school district's high-density at-risk weighting on the at-risk best practices developed by the state board pursuant to K.S.A. 72-5153(d), and amendments thereto. If a school district that qualifies for the high-density at-risk weighting does not spend such money on such best practices, the state board shall notify the school district~~

that it shall either spend such money on such best practices or shall show improvement within five years of notification. Improvement shall include, but not be limited to, the following: (A) The percentage of students at grade level on state math and English language arts assessments; (B) the percentage of students that are college and career ready on state math and English language arts assessments; (C) the average composite ACT score; or (D) the four-year graduation rate. If a school district does not spend such money on such best practices and does not show improvement within five years, the school district shall not qualify to receive the high-density at-risk weighting in the succeeding school year.

~~(5) The provisions of this subsection shall expire on July 1, 2020. On and after July 1, 2021, except as provided in subsection (b)(4), the high-density at-risk student weighting of each school district shall be determined by the state board as follows:~~

~~(1) (A) If the enrollment of the school district is at least 35% at-risk students, but less than 50% at-risk students:~~

~~(i) Subtract 35% from the percentage of at-risk students included in the enrollment of the school district;~~

~~(ii) multiply the difference determined under subsection (b)(1)(A)(i) by 0.7; and~~

~~(iii) multiply the product determined under subsection (b)(1)(A)(ii) by the number of at-risk students included in the enrollment of the school district; or~~

~~(B) if the enrollment of the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of the school district by 0.105; or~~

~~(2) (A) if the enrollment of a school in the school district is at least 35% at-risk students, but less than 50% at-risk students:~~

~~(i) Subtract 35% from the percentage of at-risk students included in the enrollment of such school;~~

~~(ii) multiply the difference determined under subsection (b)(2)(A)(i) by 0.7; and~~

~~(iii) multiply the product determined under subsection (b)(2)(A)(ii) by the number of at-risk students included in the enrollment of such school; or~~

~~(B) if the enrollment of a school in the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of such school by 0.105; and~~

~~(C) add the products determined under subsections (b)(2)(A)(iii) and (b)(2)(B) for each such school in the school district, respectively.~~

~~(3) The high-density at-risk weighting of the school district shall be the greater of the product determined under subsection (b)(1) or the sum determined under subsection (b)(2)(C).~~

~~(4) School districts that qualify to receive the high-density at-risk weighting pursuant to this section shall spend any money attributable to the school district's high-density at-risk weighting on the at-risk best practices developed by the state board pursuant to K.S.A. 72-5153(d), and amendments thereto. If a school district that qualifies for the high-density at-risk weighting does not spend such money on such best practices, the state board shall notify the school district that it shall either spend such money on such best practices or shall show improvement within five years of notification. Improvement shall include, but not be limited to, the following: (A) The percentage of students at grade level on state math and English language arts assessments; (B) the percentage of students that are college and career ready on state~~

math and English language arts assessments; (C) the average composite ACT score; or (D) the four-year graduation rate. If a school district does not spend such money on such best practices and does not show improvement within five years, the school district shall not qualify to receive the high-density at-risk weighting in the succeeding school year.

(5) The provisions of this subsection shall expire on July 1, 2022.

Sec. 32. On and after July 1, 2021, K.S.A. 2020 Supp. 72-5178 is hereby amended to read as follows: 72-5178. (a) On or before January 15 of each year, the state department of education shall prepare and submit a performance accountability report and a longitudinal achievement report for all students enrolled in any public school or accredited nonpublic school in the state, each school district ~~and~~, each school operated by a school district and each accredited nonpublic school to the governor and to the legislature.

(b) Each performance accountability report shall be prepared in a single-page format containing the information that is required to be reported under the federal elementary and secondary education act, as amended by the federal every student succeeds act, public law 114-95, or any successor federal acts, and the college and career readiness metrics developed and implemented by the state board. The report shall use the categories for achievement identified under the federal every student succeeds act, public law 114-95, or any successor achievement categories. All categories and metrics included in the report shall be clearly defined.

(c) Each longitudinal achievement report shall provide the achievement rates on the state assessments for English language arts, math and science for all students and each student subgroup and the change in achievement rate year-over-year starting with the school year in which the state board first implemented new achievement standards on such state assessments.

(d) All reports prepared pursuant to this section shall be published in accordance with K.S.A. 2020 Supp. 72-1181, and amendments thereto.

Sec. 33. On and after July 1, 2021, K.S.A. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax.

This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction, except that the federal net operating loss deduction shall not be added to an individual's federal adjusted gross income for tax years beginning after December 31, 2016.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments thereto.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,204, and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203, and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to K.S.A. 79-32,117(c)(xv), and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development

account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xiii), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.

(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,256, and amendments thereto.

(xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xix) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal individual income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for self-employment taxes under section

164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer, to the extent the deduction is attributable to income reported on schedule C, E or F and on line 12, 17 or 18 of the taxpayer's form 1040 federal income tax return.

(xxi) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the taxpayer or the taxpayer's spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2020 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2020 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(xxvi) For all taxable years beginning after December 31, 2016, the amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 72-99a07, and amendments thereto, and is also claimed as an itemized deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received ~~which that~~ are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the

state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain ~~which that~~ is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain ~~which that~~ was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form ~~which that~~ were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas venture capital, inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect,

~~which that~~ accrues to the taxpayer who is a stockholder of such corporation and ~~which that~~ is not distributed to the stockholders as dividends of the corporation. For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(xv) For all taxable years beginning after December 31, 2017, the cumulative amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary that are contributed to: (1) A family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary; or (2) an achieving a better life experience (ABLE) account established under the Kansas ABLE savings program or a qualified ABLE program established and maintained by another state or agency or instrumentality thereof pursuant to section 529A of the internal revenue code of 1986, as amended, for the purpose of saving private funds to support an individual with a disability. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 75-643 and 75-652, and amendments thereto, and the provisions of such sections are hereby incorporated by reference for all purposes thereof.

(xvi) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 Session Laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xviii) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act ~~which that~~ are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act ~~which that~~ are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income, not including guaranteed payments as defined in section 707(c) of the federal internal revenue code and as reported to the taxpayer from federal schedule K-1, (form 1065-B), in box 9, code F or as reported to the taxpayer from federal schedule K-1, (form 1065) in box 4, from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(xxi) For all taxable years beginning after December 31, 2013, amounts equal to the unreimbursed travel, lodging and medical expenditures directly incurred by a taxpayer while living, or a dependent of the taxpayer while living, for the donation of one or more human organs of the taxpayer, or a dependent of the taxpayer, to another person for human organ transplantation. The expenses may be claimed as a subtraction modification provided for in this section to the extent the expenses are not already subtracted from the taxpayer's federal adjusted gross income. In no circumstances shall the subtraction modification provided for in this section for any individual, or a dependent, exceed \$5,000. As used in this section, "human organ" means all or part of a liver, pancreas, kidney, intestine, lung or bone marrow. The provisions of this paragraph shall take effect on the day the secretary of revenue certifies to the director of the budget that the cost for the department of revenue of modifications to the automated tax system for the purpose of implementing this paragraph will not exceed \$20,000.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of net gain from the sale of: (1) Cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 24 months or more from the date of acquisition; and (2) other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 12 months or more from the date of acquisition. The subtraction from federal adjusted gross income shall be limited to the amount of the additions recognized under the provisions of subsection (b)(xix) attributable to the business in which the livestock sold had been used. As used in this paragraph, the term "livestock" shall not include poultry.

(xxiii) For all taxable years beginning after December 31, 2012, amounts received under either the Overland Park, Kansas police department retirement plan or the Overland Park, Kansas fire department retirement plan, both as established by the city of Overland Park, pursuant to the city's home rule authority.

(xxiv) For taxable years beginning after December 31, 2013, and ending before

January 1, 2017, the net gain from the sale from Christmas trees grown in Kansas and held by the taxpayer for six years or more.

(xxv) For all taxable years beginning after December 31, 2021, amounts deposited in a student empowerment account established by agreement between the taxpayer and the state treasurer pursuant to section 9, and amendments thereto.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner ~~which that~~ relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

(f) No taxpayer shall be assessed penalties and interest from the underpayment of taxes due to changes to this section that became law on July 1, 2017, so long as such underpayment is rectified on or before April 17, 2018.

Sec. 34. On and after July 1, 2021, K.S.A. 72-1163, 72-3115, 72-5134, 72-5151 and 79-32,117 and K.S.A. 2020 Supp. 72-3117, 72-4352, 72-4354, 72-5131, 72-5132 and 72-5178 are hereby repealed.";

On page 8, in line 42, 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 "ACT"; by striking all in lines 2 through 8; in line 9, by striking all before the period and inserting "concerning education; relating to the instruction and financing thereof; making and concerning appropriations for the department of education for fiscal years ending June 30, 2021, June 30, 2022, and June 30, 2023; creating the student empowerment act to provide education savings accounts to certain students; requiring the school term to be conducted through in-person education and allowing for limited remote learning; requiring boards of education to allocate sufficient school district moneys to improve academic performance of underachieving students; providing an alternative state aid calculation for school district remote enrollment; expanding student eligibility under the tax credit for low income students scholarship program; amending K.S.A. 72-1163, 72-3115, 72-5134, 72-5151 and 79-32,117 and K.S.A. 2020 Supp. 72-3117, 72-4352, 72-4354, 72-5131, 72-5132 and 72-5178 and repealing the existing sections";

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

KRISTEY WILLIAMS

KYLE HOFFMAN

*Conferees on part of House*

MOLLY BAUMGARDNER

RENEE ERICKSON

*Conferees on part of Senate*

The motion of Senator Baumgardner to adopt the conference committee report on **SB 175** failed.

Upon the showing of five hands, a Call of the Senate was requested.

On roll call, the vote was: Yeas 19; Nays 19; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Billinger, Claeys, Erickson, Fagg, Gossage, Hilderbrand,

Masterson, Olson, Peck, Petersen, Ryckman, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Bowers, Corson, Dietrich, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, McGinn, O'Shea, Pettey, Pittman, Pyle, Sykes, Ware.

Absent or Not Voting: Doll, Suellentrop.

The Conference Committee Report was not adopted.

The Call of the Senate was lifted.

#### EXPLANATION OF VOTE

Mr. President: It is approximately 11:15 p.m. and we are on a call of the Senate. Due to the lateness, I change my vote from aye to nay on **SB 175** in order to vote on the prevailing side. The intention is to make a motion to reconsider tomorrow. The purpose is to raise the call so Senators can act tomorrow on this legislation.—DENNIS PYLE

#### MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2058**.

The House concurs in Senate amendments to **HB 2089**.

The House adopts the Conference Committee report on **HB 2244**.

The House adopts the Conference Committee report on **HB 2183**.

The House adopts the Conference Committee report on **HB 2332**.

On motion of Senator Hilderbrand, the Senate adjourned until 10:00 a.m., Friday, April 9, 2021.

# Journal of the Senate

FIFTY-NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, April 9, 2021, 10:00 a.m.

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

God Bless America!  
Psalm 33:12

Psalm 33:12 says, "Blessed is the nation whose God is the LORD, the people whom He has chosen as His heritage!" I don't know if Irving Berlin had this Scripture in mind, in 1940, when he composed the song, God Bless America. That prayer song has become, unofficially, a national anthem of the United States. Irving Berlin said in an interview, that God Bless America is not a patriotic song, This prayer song is an expression of gratitude for blessing us in this country:

God bless America, land that I love.  
Stand beside her and guide her  
Through the night with the light from above.  
From the mountains to the prairies,  
To the oceans white with foam.  
God bless America, my home sweet home.  
God bless America, my home sweet home. Amen!

The Pledge of Allegiance was led by President Masterson.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 312**.  
Judiciary: **HB 2366**.

## MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 55**.

## INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator McGinn introduced the following Senate resolution, which was read:

## SENATE RESOLUTION No. 1720—

A RESOLUTION recognizing April as Child Abuse Prevention Month and growing a better tomorrow for all children together.

WHEREAS, Our children are the key to the state's future success, prosperity and quality of life; and

WHEREAS, While our children are our most valuable resource, they are also our most vulnerable; and

WHEREAS, Our children have a right to be safe and to be provided an opportunity to thrive, learn and grow; and

WHEREAS, Child abuse and neglect can be prevented by supporting and strengthening Kansas families, which can help provide children with opportunities to develop healthy, trusting familial bonds; and

WHEREAS, Preventing child abuse also includes the prevention and mitigation of its far-reaching effects, which can result in a stronger foundation for our community; and

WHEREAS, Since it is our duty as a community to extend a helping hand to children and families in need, we must come together to make the voices of our children heard by all; and

WHEREAS, By providing safe, stable and nurturing relationships for our children, free of violence, abuse and neglect, we can ensure that Kansas children will grow to reach their full potential as our next generation of leaders, thereby helping secure the future of this state and of the nation: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize April as Child Abuse Prevention Month and growing a better tomorrow for all children together; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator McGinn.

On emergency motion of Senator McGinn **SR 1720** was adopted by voice vote.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 55** submits the following report:

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

On page 1, by striking all in lines 7 through 36;

By striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 4; following line 4, by inserting:

"Section 1. The provisions of sections 1 through 6, and amendments thereto, shall be known and may be cited as the fairness in women's sports act.

Sec. 2. The legislature hereby finds:

(a) There are "inherent differences between men and women," and that these differences "remain cause for celebration, but not for denigration of the members of either sex or for artificial constraints on an individual's opportunity," *United States v. Virginia*, 518 U.S. 515, 533 (1996);

(b) these "inherent differences" range from chromosomal and hormonal differences to physiological differences;

(c) men generally have "denser, stronger bones, tendons, and ligaments" and "larger hearts, greater lung volume per body mass, a higher red blood cell count, and higher haemoglobin," Neel Burton, *The Battle of the Sexes*, *Psychology Today* (July 2, 2012);

(d) men also have higher natural levels of testosterone, which affects traits such as hemoglobin levels, body fat content, the storage and use of carbohydrates, and the development of type 2 muscle fibers, all of which result in men being able to generate higher speed and power during physical activity, Doriane Lambelet Coleman, *Sex in Sport*, 80 *Law and Contemporary Problems* 63, 74 (2017) (quoting Gina Kolata, *Men, Women and Speed. 2 Words: Got Testosterone?*, *N.Y. Times* (Aug. 21, 2008));

(e) the biological differences between females and males, especially as it relates to natural levels of testosterone, "explain the male and female secondary sex characteristics which develop during puberty and have lifelong effects, including those most important for success in sport: categorically different strength, speed, and endurance," Doriane Lambelet Coleman and Wickliffe Shreve, "Comparing Athletic Performances: The Best Elite Women to Boys and Men," *Duke Law Center for Sports Law and Policy*;

(f) while classifications based on sex are generally disfavored, the United States Supreme Court has recognized that "sex classifications may be used to compensate women for particular economic disabilities [they have] suffered, to promote equal employment opportunity, [and] to advance full development of the talent and capacities of our Nation's people," *United States v. Virginia*, 518 U.S. 515, 533 (1996);

(g) one place where sex classifications allow for the "full development of the talent and capacities of our Nation's people" is in the context of sports and athletics;

(h) courts have recognized that the inherent, physiological differences between males and females result in different athletic capabilities. See e.g. *Kleczek v. Rhode Island Interscholastic League, Inc.*, 612 A.2d 13 734, 738 (R.I. 1992) ("Because of innate physiological differences, boys and girls are not similarly situated as they enter athletic competition."); *Petrie v. Ill. High Sch. Ass'n*, 394 N.E.2d 855, 861 (Ill. App. Ct. 1979) (noting that "high school boys [generally possess physiological advantages over] their girl counterparts" and that those advantages give them an unfair lead over girls in some sports like "high school track");

(i) a recent study of female and male Olympic performances since 1983 found that, although athletes from both sexes improved over the time span, the "gender gap" between female and male performances remained stable. "These suggest that women's performances at the high level will never match those of men." Valerie Thibault et al., *Women and men in sport performance: The gender gap has not evolved since 1983*, 9 *Journal of Sports Science and Medicine* 214, 219 (2010);

(j) as Duke law professor and All-American track athlete Doriane Coleman, tennis champion Martina Navratilova, and Olympic track gold medalist Sanya Richards-Ross recently wrote: "The evidence is unequivocal that starting in puberty, in every sport except sailing, shooting, and riding, there will always be significant numbers of boys and men who would beat the best girls and women in head-to-head competition. Claims to the contrary are simply a denial of science," Doriane Coleman, Martina Navratilova, et al., *Pass the Equality Act, But Don't Abandon Title IX*, *Washington Post* (Apr. 29, 2019);

(k) the benefits that natural testosterone provides to male athletes is not diminished through the use of puberty blockers and cross-sex hormones. A recent study on the

impact of such treatments found that even "after 12 months of hormonal therapy," a man who identifies as a woman and is taking cross-sex hormones "had an absolute advantage" over female athletes and "will still likely have performance benefits" over women, Tommy Lundberg et al., "Muscle strength, size and composition following 12 months of gender-affirming treatment in transgender individuals: retained advantage for the transwomen," Karolinksa Institutet (Sept. 26, 2019); and

(l) having separate sex-specific teams furthers efforts to promote sex equality. Sex-specific teams accomplish this by providing opportunities for female athletes to demonstrate their skill, strength and athletic abilities while also providing them with opportunities to obtain recognition and accolades, college scholarships and the numerous other long-term benefits that flow from success in athletic endeavors.

Sec. 3. (a) Interscholastic, intercollegiate, intramural or club athletic teams or sports that are sponsored by a public elementary or secondary school, a postsecondary educational institution, as such term is defined in K.S.A. 74-3201b, and amendments thereto, or any school or other postsecondary educational institution whose students or teams compete against a public school or postsecondary educational institution shall be expressly designated as one of the following based on biological sex:

- (1) Males, men or boys;
- (2) females, women or girls; or
- (3) coed or mixed.

(b) Athletic teams or sports designated for females, women or girls shall not be open to students of the male sex.

(c) (1) The Kansas state high school activities association shall adopt rules and regulations for its member schools for the implementation of this section.

(2) The state board of regents and the governing body for each municipal university, community college and technical college shall adopt rules and regulations for the postsecondary educational institutions governed by each such entity, respectively, for the implementation of this section.

Sec. 4. No governmental entity, licensing or accrediting organization or athletic association or organization shall entertain a complaint, open an investigation or take any other adverse action against a school or postsecondary educational institution for maintaining separate interscholastic, intercollegiate, intramural or club athletic teams or sports for students of the female sex.

Sec. 5. (a) Any student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation of section 3, and amendments thereto, shall have a private cause of action for injunctive relief, damages and any other relief available under law against the school or postsecondary educational institution.

(b) Any student who is subject to retaliation or other adverse action by a school, postsecondary educational institution or athletic association or organization as a result of reporting a violation of section 3, and amendments thereto, to an employee or representative of such school, postsecondary educational institution or athletic association or organization, or to any state or federal agency with oversight of schools or postsecondary educational institutions in this state, shall have a private cause of action for injunctive relief, damages and any other relief available under law against the school, institution or athletic association or organization.

(c) Any school or postsecondary educational institution that suffers any direct or indirect harm as a result of a violation of section 3 or 4, and amendments thereto, shall

have a private cause of action for injunctive relief, damages and any other relief available under law against the governmental entity, licensing or accrediting organization or athletic association or organization.

(d) All civil actions must be initiated within two years after the harm occurred. Persons or organizations who prevail on a claim brought pursuant to this section shall be entitled to monetary damages, including for any psychological, emotional and physical harm suffered, reasonable attorney fees and costs and any other appropriate relief.

Sec. 6. The provisions of sections 1 through 5, and amendments thereto, are hereby declared to be severable. If any provision of sections 1 through 5, and amendments thereto, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of sections 1 through 5, and amendments thereto, that can be given effect without the invalid provision or application.";

Also on page 5, in line 6, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3; in line 4, by striking all before the period and inserting "education; relating to student athletes; creating the fairness in women's sports act; restricting participation on women's teams to female students; providing a cause of action for violations";

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

KRISTEY WILLIAMS

STEVE HUEBERT

*Conferees on part of House*

MOLLY BAUMGARDNER

RENEE ERICKSON

*Conferees on part of Senate*

Senator Erickson moved the Senate adopt the Conference Committee Report on **SB 55**.

On roll call, the vote was: Yeas 26; Nays 11; Present and Passing 3; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Dietrich, Faust-Goudeau, Francisco, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Present and Passing: Doll, Haley, McGinn.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

Mr. President: This bill on transgender athletes was a solution in search of a problem, as we have not had a problem here in Kansas. Competitive high school and college sports already have regulations to deal with trans athletes. The bill we heard was meant to divide us. It puts Kansas at potential risk with regard to NCAA, FIFA and other tournaments, having economic and national perception impacts on our business

community. Beyond potential economic impact, it also targets an already at-risk population of our kids going through often confusing situations. It goes beyond women competing in high school and college. It targets private and intramural sports. It goes much further and targets youth even before puberty. I found the original language containing genital checking offensive and am glad that was begrudgingly taken out. It is unnecessary regulation as proposed and I vote No.—JEFF PITTMAN

Senators Francisco, Pettey and Sykes request the record to show they concur with the Explanation of Vote offered by Senator Pittman on **SB 55**.

Mr. President: Over 40% of transgender men and women have said they have attempted suicide. Rates are even higher among trans women and trans women of color. Here are the names of those trans Americans we have lost due to transgender violence whether suicide or murder in 2020 alone: Asia Jynaé Foster, Yunieski Carey Herrera, Angel Unique, Sara Blackwood, Brooklyn Deshuna, Felycya Harris, Michelle Michellyn Ramos Vargas, Mia Green, Aerrion Burnett, Kee Sam, Lea Rayshon Daye, Aja Raquell Rhone-Spears, Queasha D. Hardy, Dior H. Ova, Marilyn Cazares, Summer Taylor, Bree Black, Shaki Peters, Merci Mack, Brayla Stone, Brian “Egypt” Powers, Selena Reyes-Hernandez, Jayne Thompson, Riah Milton, Dominique “Rem’mie” Fells, Tony McDade, Helle Jae O’Regan, Nina Pop, Penélope Díaz Ramírez, Layla Pelaez Sánchez, Serena Angelique Velázquez Ramos, Johanna Metzger, Lexi, Monika Diamond, Scott/Scottlynn Devore, Yampi Méndez Arocho, Neulisa Luciano Ruiz, Dustin Parker. To save the lives of transgender Kansans and to keep our state safe and welcoming for ALL, I vote NO on **SB 55**.—MARY WARE

### ORIGINAL MOTION

Having voted on the prevailing side, Senator Pyle moved the Senate reconsider its action on **SB 175**. The motion carried and the bill was returned to final action on Conference Committee Reports.

### CONFERENCE COMMITTEE REPORTS

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 175** 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, following line 9, by inserting:

"WHEREAS, The Kansas Legislature and the Kansas Supreme Court agree that, for Kansans, children are our state's most valuable resource; and

WHEREAS, The Kansas Supreme Court in Gannon IV found that nearly 25% of all public education students are not performing at grade level and that significant achievement gaps exist between all students and certain subgroups of students; and

WHEREAS, The Kansas Supreme Court acknowledged that certain student subgroups can have their own special achievement challenges; and

WHEREAS, Throughout the Gannon litigation, the Legislature has committed to improving the academic achievement of all students with a particular focus on the students identified by the Court; and

WHEREAS, The Kansas Supreme Court has ruled that the current school finance

system provides constitutionally adequate funding and equitable allocation of resources and that the Legislature has substantially complied with the Court's orders expressed in Gannon VI; and

WHEREAS, Special challenges require special measures and the Legislature remains committed to providing a finance system that is flexible and offers tailored solutions to raise academic achievement, particularly for those students who face special challenges; and

WHEREAS, Education savings accounts that target those students who qualify for at-risk educational services provide an additional way for families to tailor the entire educational experience of the student, as opposed to simply tailoring the schooling of such student; and

WHEREAS, Providing families with the access and means necessary to customize the educational experience of a student will provide families with options to increase the student's academic achievement.

Now, therefore:"

Also on page 1, by striking all in lines 12 through 34;

By striking all on pages 2 through 7;

On page 8, by striking all in lines 1 through 40 and inserting:

"Section 1.

#### DEPARTMENT OF EDUCATION

(a) On the effective date of this act, of the \$3,306,581 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 2(a) of chapter 19 of the 2019 Session Laws of Kansas from the state general fund in the KPERS – employer contributions – non-USDs account (652-00-1000-0100), the sum of \$2,015,931 is hereby lapsed.

(b) On the effective date of this act, of the \$21,247,425 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 2(a) of chapter 19 of the 2019 Session Laws of Kansas from the state general fund in the KPERS – employer contributions – USDs account (652-00-1000-0110), the sum of \$6,869,706 is hereby lapsed.

(c) On the effective date of this act, of the \$12,673,886 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 79(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the mental health intervention team pilot account (652-00-1000-0150), the sum of \$1,215,004 is hereby lapsed.

(d) On the effective date of this act, any unencumbered balance in the education super highway account (652-00-1000-0180) of the state general fund is hereby lapsed.

(e) On the effective date of this act, of the \$5,060,528 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 79(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the school district juvenile detention facilities and Flint Hills job corps center grants account (652-00-1000-0290), the sum of \$782,064 is hereby lapsed.

(f) On the effective date of this act, of the \$360,693 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 79(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the governor's teaching excellence scholarships and awards account (652-00-1000-0770), the sum of \$140,755 is hereby lapsed.

(g) On the effective date of this act, of the \$89,659,017 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 2(a) of chapter 19 of the 2019 Session Laws of Kansas from the state general fund in the state foundation aid account (652-00-1000-0820), the sum of \$18,897,038 is hereby lapsed.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2021, as authorized by section 79 of chapter 5 of the 2020 Session Laws of Kansas, this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys to recommend additional compensation in the amount of \$500 to each classroom teacher employed by a board of education in school year 2020-2021 for duties beyond the normal scope related to teaching during a pandemic, including, but not limited to, creation of new lesson plans for remote and distance instruction modes, classroom modifications for social distancing, maintaining sanitary conditions and home visits: *Provided*, That, the boards of education shall review the moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260 or any other federal law that appropriates moneys to the state for aid for coronavirus relief, to determine if such funds may be available for such purpose: *Provided further*, That, for the purposes of this section, "classroom teacher" means any person who holds a certificate to teach and is under contract to teach on a full-time basis by a board of education and any person who is under contract to teach on a full-time basis by a board of education but who does so pursuant to a licensure waiver granted pursuant to rules and regulations of the state department of education, and does not include any superintendent, assistant superintendent, supervisor or principal employed pursuant to K.S.A. 72-1134, and amendments thereto, person who holds a student teaching license, paraprofessional or any other person employed by a board of education.

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, 2022, the following:

Operating expenditures (including official hospitality)  
(652-00-1000-0053)..... \$14,109,493

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

KPERS-school employer contributions-non-USDs  
(652-00-1000-0100).....\$41,853,675

*Provided*, That any unencumbered balance in the KPERS-school employer contributions-non-USDs account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

KPERS-school employer contributions-USDs (652-00-1000-0110).....\$537,971,506

*Provided*, That any unencumbered balance in the KPERS-school employer contributions-USDs account in excess of \$100 as of June 30, 2021, is hereby

reappropriated for fiscal year 2022.

KPERS layering payment (652-00-1000-0120).....	\$6,400,000
KPERS layering payment #2 (652-00-1000-0121).....	\$19,400,000
ACT and workkeys assessments program (652-00-1000-0140).....	\$2,800,000
Mental health intervention team pilot (652-00-1000-0150).....	\$7,534,722
Education commission of the states (652-00-1000-0220).....	\$67,700
School safety hotline (652-00-1000-0230).....	\$10,000
School district juvenile detention facilities and Flint Hills job corps center grants (652-00-1000-0290).....	\$5,060,528

*Provided*, That any unencumbered balance in the school district juvenile detention facilities and Flint Hills job corps center grants account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures shall be made from the school district juvenile detention facilities and Flint Hills job corps center grants account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-1173, and amendments thereto.

School food assistance (652-00-1000-0320).....	\$2,510,486
Mentor teacher (652-00-1000-0440).....	\$1,300,000
Educable deaf-blind and severely handicapped children's programs aid (652-00-1000-0630).....	\$110,000
Special education services aid (652-00-1000-0700).....	\$512,880,818

*Provided*, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child, unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *And provided further*, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3425, and amendments thereto: *And provided further*, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing provisos, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3422, and amendments thereto.

Supplemental state aid (652-00-1000-0840).....	\$2,400,000
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

School district capital outlay state aid fund.....	No limit
Educational technology coordinator fund (652-00-2157-2157).....	No limit

*Provided*, That expenditures shall be made by the above agency for the fiscal year ending June 30, 2022, from the educational technology coordinator fund of the department of education to provide data on the number of school districts served and cost savings for those districts in fiscal year 2022 in order to assess the cost effectiveness of the position of educational technology coordinator.

Communities in schools program fund (652-00-2221-2400).....No limit  
 Inservice education workshop fee fund (652-00-2230-2010).....No limit  
*Provided*, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: *Provided further*, That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further*, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Federal indirect cost reimbursement fund (652-00-2312-2200).....No limit  
 Conversion of materials and equipment fund (652-00-2420-2020).....No limit  
 School bus safety fund (652-00-2532-2300).....No limit  
 State safety fund (652-00-2538-2030).....No limit  
*Provided*, That notwithstanding the provisions of K.S.A. 8-272, and amendments thereto, or any other statute, funds shall be distributed during fiscal year 2022 as soon as moneys are available.

Motorcycle safety fund (652-00-2633-2050).....No limit  
 Teacher and administrator fee fund (652-00-2723-2060).....No limit  
 Service clearing fund (652-00-2869-2800).....No limit  
 School district capital improvements fund (652-00-2880-2880).....No limit  
*Provided*, That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72-5457, and amendments thereto.

Reimbursement for services fund (652-00-3056-3200).....No limit  
 ESSA – student support academic enrichment – federal fund (652-00-3113-3113).....No limit  
 Educationally deprived children – state operations – federal fund (652-00-3131-3130).....No limit  
 Food assistance – federal fund (652-00-3230-3020).....No limit  
 Elementary and secondary school aid – federal fund (652-00-3233-3040).....No limit  
 Education of handicapped children fund – federal (652-00-3234-3050).....No limit  
 Community-based child abuse prevention – federal fund (652-00-3319-7400).....No limit  
 TANF children's programs – federal fund (652-00-3323-0531).....No limit  
 21<sup>st</sup> century community learning centers – federal fund (652-00-3519-3890). No limit  
 State assessments – federal fund (652-00-3520-3800).....No limit  
 Rural and low-income schools program – federal fund (652-00-3521-3810)...No limit  
 Language assistance state grants – federal fund (652-00-3522-3820).....No limit  
 State grants for improving teacher quality – federal fund (652-00-3526-3860).....No limit  
 State grants for improving teacher quality – federal fund – state operations (652-00-3527-3870).....No limit  
 Food assistance – school breakfast program –

federal fund (652-00-3529-3490).....	No limit
Food assistance – national school lunch program –	
federal fund (652-00-3530-3500).....	No limit
Food assistance – child and adult care food program –	
federal fund (652-00-3531-3510).....	No limit
Elementary and secondary school aid – federal fund – local education	
agency fund (652-00-3532-3520).....	No limit
Education of handicapped children fund – state operations –	
federal fund (652-00-3534-3540).....	No limit
Education of handicapped children fund – preschool –	
federal fund (652-00-3535-3550).....	No limit
Education of handicapped children fund – preschool state	
operations – federal (652-00-3536-3560).....	No limit
Elementary and secondary school aid – federal fund – migrant	
education fund (652-00-3537-3570).....	No limit
Elementary and secondary school aid – federal fund – migrant education –	
state operations (652-00-3538-3580).....	No limit
Vocational education title I – federal fund – (652-00-3539-3590).....	No limit
Vocational education title I – federal fund –	
state operations (652-00-3540-3600).....	No limit
Educational research grants and projects fund (652-00-3592-3070).....	No limit
Coronavirus relief fund – federal fund (652-00-3753).....	No limit
Local school district contribution program	
checkoff fund (652-00-7005-7005).....	No limit
<i>Provided</i> , That notwithstanding the provisions of K.S.A. 79-3221n, and amendments	
thereto, or any other statute, during the fiscal year ending June 30, 2022, any moneys in	
such fund where a taxpayer fails to designate a unified school district on such taxpayer's	
individual income tax return may be expended by the above agency on educational	
programming.	
Governor's teaching excellence scholarships program	
repayment fund (652-00-7221-7200).....	No limit
<i>Provided</i> , That all expenditures from the governor's teaching excellence scholarships	
program repayment fund shall be made in accordance with K.S.A. 72-2166, and	
amendments thereto: <i>Provided further</i> ; That each such grant shall be required to be	
matched on a \$1-for-\$1 basis from nonstate sources: <i>And provided further</i> ; That award	
of each such grant shall be conditioned upon the recipient entering into an agreement	
requiring the grant to be repaid if the recipient fails to complete the course of training	
under the national board for professional teaching standards certification program: <i>And</i>	
<i>provided further</i> ; That all moneys received by the department of education for	
repayment of grants made under the governor's teaching excellence scholarships	
program shall be deposited in the state treasury in accordance with the provisions of	
K.S.A. 75-4215, and amendments thereto, and shall be credited to the governor's	
teaching excellence scholarships program repayment fund.	
Private donations, gifts, grants and bequests fund (652-00-7307-5000).....	No limit
Family and children investment fund (652-00-7375).....	No limit
State school district finance fund (652-00-7393).....	No limit
Mineral production education fund (652-00-7669-7669).....	No limit

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2022, the following:

Children's cabinet accountability fund (652-00-2000-2402).....\$375,000  
*Provided*, That any unencumbered balance in the children's cabinet accountability fund account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

CIF grants (652-00-2000-2408).....\$18,129,848  
*Provided*, That any unencumbered balance in the CIF grants account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Quality initiative infants and toddlers (652-00-2000-2420).....\$500,000  
*Provided*, That any unencumbered balance in the quality initiative infants and toddlers account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Early childhood block grant autism diagnosis (652-00-2000-2422).....\$50,000  
*Provided*, That any unencumbered balance in the early childhood block grant autism diagnosis account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Parent education program (652-00-2000-2510).....\$8,437,635  
*Provided*, That any unencumbered balance in the parent education program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount that is equal to not less than 50% of the grant.

Communities aligned in early development and education (652-00-2000-2550).....\$1,000,000  
Pre-K pilot (652-00-2000-2535).....\$4,200,000

(d) On July 1, 2021, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-1,148 or 38-1808, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$50,000 from the family and children trust account of the family and children investment fund (652-00-7375-7900) of the department of education to the communities in schools program fund (652-00-2221-2400) of the department of education.

(e) On March 30, 2022, and June 30, 2022, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$550,000 from the state safety fund (652-00-2538-2030) to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state safety fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed on behalf of the department of education by other state agencies that receive appropriations from the state general fund to provide such services.

(f) On July 1, 2021, and quarterly thereafter, the director of accounts and reports shall transfer \$73,750 from the state highway fund of the department of transportation to the school bus safety fund (652-00-2532-2300) of the department of education.

(g) On July 1, 2021, the director of accounts and reports shall transfer an amount

certified by the commissioner of education from the motorcycle safety fund (652-00-2633-2050) of the department of education to the motorcycle safety fund (561-00-2366-2360) of the state board of regents: *Provided*, That the amount to be transferred shall be determined by the commissioner of education based on the amounts required to be paid pursuant to K.S.A. 8-272(b)(2), and amendments thereto.

(h) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$70,000 from the USAC E-rate program federal fund (561-00-3920-3920) of the state board of regents to the education technology coordinator fund (652-00-2157-2157) of the department of education.

(i) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2022, the following:

Children's cabinet administration (652-00-7000-7001).....\$260,535

*Provided*, That any unencumbered balance in the children's cabinet administration account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(j) During the fiscal year ending June 30, 2022, the commissioner of education, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2022 from the state general fund for the department of education to another item of appropriation for fiscal year 2022 from the state general fund for the department of education. The commissioner of education shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(k) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2022, the following:

KPERS – school employer contribution (652-00-1700-1700).....\$41,143,515

*Provided*, That during the fiscal year ending June 30, 2022, the amount appropriated from the expanded lottery act revenues fund in the KPERS – school employer contribution account (652- 00-1700-1700) for the department of education shall be for the purpose of reducing the unfunded actuarial liability of the Kansas public employees retirement system attributable to the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, in accordance with K.S.A. 74-8768, and amendments thereto.

(l) On July 1, 2021, of the \$2,440,966,522 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 80(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the state foundation aid account (652-00-1000-0820), the sum of \$3,344,193 is hereby lapsed.

(m) Notwithstanding the provisions of any other statute, any appropriation act or any other provision of this act, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260, the American rescue plan act of 2021, public law 117-2, or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for

such purpose to provide school safety and security grants: *Provided*, That such expenditures shall not exceed \$5,000,000: *Provided further*, That expenditures shall be made for fiscal year 2022 for disbursements of grant moneys approved by the state board of education for the acquisition and installation of security cameras and any other systems, equipment and services necessary for security monitoring of facilities operated by a school district and for securing doors, windows and any entrances to such facilities: *Provided further*, That all moneys expended for school safety and security grants for fiscal year 2022 shall be matched by the receiving school district on a \$1-for-\$1 basis from other moneys of the district that may be used for such purpose as permitted under federal law: *Provided further*, That if the above agency determines such moneys may not be used for such purposes, expenditures shall not be made and the agency shall send a copy of such determination to the director of the budget and the director of legislative research.

(n) Notwithstanding the provisions of any other statute, any appropriation act or any other provision of this act, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260, the American rescue plan act of 2021, public law 117-2, or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for such purpose for the mental health intervention team pilot program: *Provided*, That such expenditures shall not exceed \$3,924,160: *Provided further*, That if the above agency determines such moneys may not be used for such purposes, expenditures shall not be made and the agency shall send a copy of such determination to the director of the budget and the director of legislative research.

(o) Notwithstanding the provisions of any other statute, any appropriation act or any other provision of this act, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260, the American rescue plan act of 2021, public law 117-2, or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for such purpose for the communities in schools program: *Provided*, That such expenditures shall not exceed \$100,000: *Provided further*, That if the above agency determines such moneys may not be used for such purposes, expenditures shall not be made and the agency shall send a copy of such determination to the director of the budget and the director of legislative research.

(p) Notwithstanding the provisions of any other statute, any appropriation act or any other provision of this act, in addition to the other purposes for which expenditures

may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260 or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for such purpose to implement phase 3 of the language assessment program: *Provided, however,* That if the above agency determines such moneys may not be used for such purposes, expenditures shall be made by the above agency from the moneys appropriated from the state general fund or from any other special revenue fund or funds for fiscal year 2022, as authorized by section 80 of chapter 5 of the 2020 Session Laws of Kansas, this or other appropriation act of the 2021 regular session of the legislature to such agency to implement phase 3 of the language assessment program: *Provided further,* That, prior to such implementation, the above agency shall consult with the Kansas children's cabinet and the Kansas state school for the deaf on best practices for such implementation.

Sec. 3.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

State foundation aid (652-00-1000-0820).....\$2,524,235,833

*Provided,* That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Supplemental state aid (652-00-1000-0840).....\$534,100,000

*Provided,* That any unencumbered balance in the supplemental state aid account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

State school district finance fund (652-00-7393).....No limit

Mineral production education fund (652-00-7669-7669).....No limit

New Sec. 4. (a) Sections 4 through 20, and amendments thereto, shall be known and may be cited as the student empowerment act.

(b) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 5. The legislature hereby declares that the purpose and intent of the student empowerment act is:

(a) To provide suitable provision for finance of the educational interests of all students in the state through all manner of education that suitably prepares our children to be productive members of our collective workforce and society;

(b) to protect the people's common interest in providing intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools and other forms of education and their related activities that support the legislative goal established in K.S.A. 72-3218, and amendments thereto, by acknowledging the unique

individuality and life experiences of each student and by recognizing each student's varied educational, social, emotional and environmental needs;

(c) to highlight the diversity of acquired knowledge needed to become productive members of society, while also recognizing the reality that a policy of "one size fits all" does not ensure that all students will be successful;

(d) to acknowledge that each student must be considered as a unique individual, with different educational supports needed to best function in the changing world; and

(e) to respect and invite parents to be their child's educational opportunity steward from an academic, social, emotional and spiritual perspective that aligns their child with the best educational delivery model and environment.

(f) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 6. As used in sections 4 through 20, and amendments thereto:

(a) "Account" means a student empowerment account.

(b) "BASE aid" means the amount of base aid for student excellence set forth in K.S.A. 72-5132, and amendments thereto, for the immediately preceding school year.

(c) "Eligible student" means a resident of Kansas who has not graduated from high school or obtained a general educational development credential, and who on and after July 1, 2022:

(1) Has been identified by such student's resident school district as eligible to receive at-risk educational program services because such student:

(A) Is or has been determined to be performing below grade level in either English language arts or mathematics;

(B) has a high rate of absenteeism; or

(C) has been identified as eligible to receive at-risk educational program services for any other reason specified by the school district; or

(2) has a student empowerment account established on their behalf pursuant to section 10, and amendments thereto.

(d) "Parent" means a parent, legal guardian, custodian or other person with authority to act on behalf of an eligible student.

(e) "Postsecondary educational institution" means any postsecondary educational institution or any private or out-of-state postsecondary educational institution as such terms are defined in K.S.A. 74-3201b, and amendments thereto.

(f) "Program" means the student empowerment program established under section 7, and amendments thereto.

(g) "Qualified private school" means any nonpublic school that:

(1) Provides education to elementary or secondary students;

(2) is accredited by the state board of education or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure;

(3) provides instruction in those subjects required by K.S.A. 72-3214, 72-3217 and 72-3235, and amendments thereto; and

(4) is approved by the treasurer pursuant to section 15, and amendments thereto.

(h) "Resident school district" means the school district in which an eligible student is currently or would be enrolled based on such eligible student's residence.

(i) "Treasurer" means the state treasurer or the state treasurer's designee.

(j) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 7. (a) The student empowerment program is hereby established and shall

be administered by the treasurer. Except as provided in section 9, and amendments thereto, on and after July 1, 2022, the treasurer shall establish a student empowerment account for each eligible student whose parent satisfies the requirements of this act.

(b) The treasurer shall maintain an explanation of the following information on the treasurer's website and provide a hard copy of such information to any person upon request:

(1) The options for participation in the program as provided in section 11, and amendments thereto;

(2) the allowable uses of moneys in a student empowerment account;

(3) the responsibilities of a parent of an eligible student participating in the program;

(4) the effect of participation in the program by eligible students with an individualized education program (IEP) or an education plan under section 504 of the rehabilitation act of 1973, 29 U.S.C. § 794 (section 504 plan);

(5) the duties of the treasurer;

(6) the procedure for appealing a decision of the treasurer;

(7) the name and telephone number of the treasurer's employee who may be contacted if a parent has questions about the program; and

(8) a list of qualified private schools.

(c) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 8. (a) Whenever a student becomes eligible for the student empowerment program, such student's resident school district shall notify the parent of such student. Such notice shall include an explanation of the basis for such child's eligibility for the program, a copy of the results of the most recently administered state assessment for English language arts and state assessment for mathematics for such child, the name and telephone number of the school district employee who may be contacted if the parent has questions about the program and the name and telephone number of an employee of both the department of education and the state treasurer's office who may be contacted regarding the program. Such notice shall also include either a written description of the program, including the information described in section 7(b), and amendments thereto, or the website address where such description may be found on the treasurer's website. The school district shall continue to provide such notice each year that the student remains enrolled in the school district and remains eligible for the program.

(b) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 9. (a) For an eligible student to participate in the program, the parent of such eligible student shall enter into a written agreement with the treasurer, in such manner and form as prescribed by the treasurer.

(b) The agreement between the parent of an eligible student and the treasurer shall provide that:

(1) The eligible student shall participate in the program in accordance with section 11, and amendments thereto;

(2) the treasurer shall establish an account for the eligible student in the student empowerment fund established by section 10, and amendments thereto;

(3) the parent shall comply with all requirements and rules and regulations of the program; and

(4) the moneys in the eligible student's account shall only be expended as

authorized by the program.

(c) Only one account may be established for each eligible student. A parent acting on behalf of more than one eligible student shall have a separate written agreement for each eligible student.

(d) A written agreement entered pursuant to this act shall expire on July 31 immediately following the date the agreement becomes effective but may be terminated prior to such date pursuant to subsection (e). Each written agreement may be renewed by August 1 upon the written consent of the parent and the treasurer in a manner determined by the treasurer, except that the parent may submit a request to the treasurer for an extension of time for renewal not to exceed 30 days. Failure to renew a written agreement does not preclude renewal of such written agreement in a subsequent year. A written agreement that has been terminated pursuant to subsection (e) shall not be renewed.

(e) (1) A written agreement may be terminated by the treasurer upon a determination that:

(A) Moneys in an account have been used for purposes other than those allowed by the program;

(B) the eligible student no longer satisfies the qualifications of an eligible student; or

(C) the eligible student no longer participates in the program in accordance with section 11, and amendments thereto.

(2) A written agreement may be terminated by a parent at any time. To terminate a written agreement, such parent shall notify the treasurer in writing of such termination.

(3) When a written agreement is terminated, the account associated with such agreement shall be deemed inactive, and the treasurer shall close the account in accordance with section 10, and amendments thereto.

(f) If an otherwise eligible student is participating in the tax credit for low income students scholarship program act pursuant to K.S.A. 72-4351 et seq., and amendments thereto, the treasurer:

(1) Shall not enter into a written agreement with the parent on behalf of such student or establish an account on behalf of such student; and

(2) if a written agreement has already been effectuated between the parent of such student and the treasurer, shall close any account that was established on behalf of such student and terminate such written agreement.

(g) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 10. (a) (1) There is hereby established in the state treasury the student empowerment fund to be administered by the treasurer. Moneys in the student empowerment fund shall be expended only for the purposes established in this act. All moneys received pursuant to section 12, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the student empowerment fund.

(2) The director of accounts and reports shall create a procedure for the student empowerment fund to have individual student accounts therein. Each student's accumulated moneys in the student's account shall earn interest based on: (A) The average daily balance of moneys in each student's account for the preceding month; and (B) the net earnings rate of the pooled money investment portfolio for the preceding month. The amount of interest earned shall be added monthly to each student's account

in the student empowerment fund.

(b) Upon execution of an agreement in accordance with section 9, and amendments thereto, the treasurer shall establish an account in the student empowerment fund in the state treasury in the name of the eligible student. Upon establishment of such account, the treasurer shall notify the resident school district of the establishment of such account for the eligible student.

(c) (1) If the eligible student is enrolled in a qualified private school, the treasurer shall transfer to such eligible student's account in the student empowerment fund an aggregate annual amount equal to the BASE aid.

(2) If the eligible student continues to be enrolled in such student's resident school district part-time, the treasurer shall transfer to such eligible student's account in the student empowerment fund an aggregate annual amount equal to that portion of the BASE aid that is inversely proportional to the amount of time such student is enrolled in such student's resident school district.

(d) The treasurer shall make transfers required under subsection (c) in quarterly installments pursuant to a schedule determined by the treasurer.

(e) The treasurer may deduct a percentage of the aggregate annual amount to be transferred into an eligible student's account as reimbursement for the administrative costs of implementing the provisions of this act as follows:

(1) Up to 5% each year for the first two years moneys are transferred to an eligible student's account; and

(2) up to 2.5% for the third year and for each subsequent year moneys are transferred to an eligible student's account.

(f) No transfers shall be made to an eligible student's account after such student has graduated from high school.

(g) (1) Each account shall remain active until:

(A) A written agreement is terminated pursuant to section 9, and amendments thereto;

(B) July 31 following the date on which the eligible student graduates from high school; or

(C) there are two consecutive years of nonrenewal of an agreement.

(2) If the treasurer determines an account is inactive, the treasurer shall close the account and certify the amount of moneys remaining in the account to the director of accounts and reports. Such certified amount shall remain in the student empowerment fund.

(h) The treasurer shall contract with a third party pursuant to competitive bids for a system for payment of services by participating parents by electronic funds transfer. Such system shall not require parents to be reimbursed for allowable expenses. All electronic funds transfers shall only be for expenditures approved by the treasurer.

(i) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 11. (a) An eligible student whose parent has entered into an agreement with the treasurer in accordance with section 9, and amendments thereto, shall participate in the program by:

(1) Continuing part-time enrollment in such student's resident school district and receiving additional educational services as allowed under the program; or

(2) enrolling in a qualified private school.

(b) Each year, the parent of a student participating in the program shall report to the

treasurer whether such student is enrolled in such student's resident school district and, if so, the number of hours such student is attending.

(c) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 12. (a) On or before August 1 of each year, the treasurer shall determine the amount to be transferred to the student empowerment fund by:

(1) Multiplying an amount equal to the BASE aid by the total number of eligible students participating in the program, who are enrolled in a qualified private school;

(2) for each eligible student participating in the program who is enrolled part-time in a school district, multiplying an amount equal to the BASE aid by a ratio that is the inverse proportion of the amount of time each such student is enrolled and attending public school;

(3) adding together the amounts determined under paragraph (2) for all such students; and

(4) adding the total amounts determined under paragraphs (1) and (3). The resulting sum is the amount to be transferred to the student empowerment fund.

(b) The treasurer shall certify the resulting amounts to the director of accounts and reports. Upon receipt of such certification, the director shall transfer such certified amount from the state general fund to the student empowerment fund established in section 10, and amendments thereto.

(c) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 13. (a) Moneys in the eligible student's account may be accessed by such eligible student's parent but shall only be expended by such parent for the following purposes:

(1) Tuition and fees charged by a qualified private school;

(2) textbooks and other supplies required by a qualified private school;

(3) fees for transportation provided by a qualified private school that is required for the eligible student to travel to and from such qualified private school;

(4) educational therapies or services provided by a licensed or accredited education provider;

(5) tutoring services provided by a certified tutor;

(6) curriculum materials;

(7) tuition or fees charged by an accredited private online learning program;

(8) fees for any nationally standardized norm-referenced achievement test, advanced placement examination or other examination related to admission to a postsecondary educational institution;

(9) services, programs, activities, classes or any other resources or programs provided or contracted by a school district;

(10) tuition and fees charged by a postsecondary educational institution; and

(11) any other education expenses approved by the treasurer.

(b) The treasurer shall notify the parent of any expenditures from an eligible student's account that do not meet the requirements of subsection (a). Such parent shall repay the cost of any such expenditures within 30 days of notification by the treasurer.

(c) Except as provided in section 10, and amendments thereto, funds remaining in an account at the end of a school year shall roll over to the next succeeding school year.

(d) A qualified private school providing education services purchased with funds from an account shall not share, refund or rebate any portion of such funds to the parent or eligible student. Any such refund or rebate shall be made directly into the eligible

student's account.

(e) No personal deposits may be made into an account.

(f) The treasurer shall conduct or contract to conduct annual audits of eligible student accounts to ensure compliance with the provisions of this act and may conduct or contract to conduct additional audits of eligible student accounts, as needed.

(g) If the treasurer determines moneys in an account have been used for purposes other than those allowed by subsection (a), the treasurer may:

(1) Prohibit expenditures from the account until such time as determined by the treasurer;

(2) prorate amounts to be deposited in such account under section 10, and amendments thereto, by an amount equal to the total amount used for purposes other than those allowed by subsection (a); or

(3) terminate the account.

(h) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 14. (a) On or before August 1, 2023, and each year thereafter, the treasurer shall certify to the state board of education the names of the students participating in the student empowerment program, the resident school district of each such student and the qualified private school, if any, each such student is attending in the current school year.

(b) (1) On or before September 1, 2022, and each year thereafter, the state board shall determine the adjusted weightings funding amount in accordance with paragraph (2) and shall certify the amount so determined to the director of accounts and reports. At the same time as such certification is transmitted to the director of accounts and reports, the state board shall transmit a copy of such certification to the director of the budget and the director of legislative research. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified, and such amount is appropriated for such fiscal year, from the state general fund to the state foundation aid account of the state general fund of the department of education.

(2) For each eligible student participating in the program who has participated for less than three years, the state board shall determine the amount of such student's resident school district's state foundation aid for the last school year during which such student was enrolled full-time in such district that is attributable to that portion of the following weightings that is directly attributable to such student's enrollment in the district: The low enrollment weighting, high enrollment weighting, bilingual weighting, at-risk student weighting and career technical education weighting. The state board shall then determine the aggregate of such amounts for each resident school district and the resulting sum is the adjusted weightings funding amount.

(c) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 15. (a) To become a qualified private school, an applicant shall submit an application to the treasurer on a form and in a manner prescribed by the treasurer. Such application shall include proof that the applicant is an accredited private school and provides instruction in those subjects required by K.S.A. 72-3214, 72-3217 and 72-3235, and amendments thereto.

(b) The treasurer shall approve an application or request additional information, as necessary, to prove an applicant meets the criteria to be deemed a qualified private school within 45 days of receiving the application. If the applicant is unable to provide such additional information, the treasurer may deny the application.

(c) The treasurer shall conduct or contract to conduct an audit of a qualified private school, selected at random each year, to determine whether the qualified private school is compliant with the requirements of subsection (a).

(d) (1) The treasurer may revoke a qualified private school's approval, if the treasurer determines the qualified private school:

(A) Has routinely failed to comply with the provisions of this act or applicable rules and regulations; or

(B) has failed to provide any educational services required by law to an eligible student receiving instruction from the school, if the school is accepting payments made from such eligible student's account.

(2) Prior to revoking a qualified private school's approval, the treasurer shall notify such school of an impending revocation and the reason for such revocation. The qualified private school shall have 30 days from the time it was notified to cure the matter identified in the notice. If the qualified private school fails to cure such matter within 30 days, such school's approval shall be revoked. A qualified private school whose approval has been revoked shall not be allowed to participate in the program until such time the treasurer determines such school is in compliance with the requirements of this act.

(3) If the treasurer revokes a qualified private school's approval, the treasurer shall immediately notify each parent of an eligible student participating in the program and receiving instruction from such school.

(e) The treasurer may notify the attorney general or the county or district attorney of the county where the qualified private school is located, if a qualified private school's approval was revoked because of misuse of moneys paid from an account.

(f) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 16. (a) Enrollment of an eligible student in a qualified private school shall be considered a parental placement of such student under the individuals with disabilities education act, 20 U.S.C. § 1400 et seq.

(b) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 17. (a) On or before December 31, 2022, and each December 31 thereafter, the treasurer shall prepare and submit a report on the student empowerment program to the state board of education. The report shall include, but is not limited to, the following information for the immediately preceding school year:

(1) The total number of students participating in the program;

(2) the number of participating students enrolled on a part-time basis in a school district and the average number of hours such students attended public school;

(3) the number of participating students enrolled in a qualified private school;

(4) the number of qualified private schools;

(5) the results of any audits conducted or contracted for by the treasurer; and

(6) the total cost to administer the program.

(b) On or before January 15, 2023, and each January 15 thereafter, the state board of education shall prepare and submit a report on the student empowerment program to the governor and the legislature. The report shall include, but is not limited to, the treasurer's report submitted pursuant to subsection (a) and the state foundation aid adjustments determined by the state board pursuant to section 14, and amendments thereto, for each school district for the immediately preceding school year.

(c) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 18. (a) The treasurer's actions under this act shall be subject to the Kansas administrative procedure act and reviewable under the Kansas judicial review act. Any parent of a participating student or qualified private school aggrieved by a decision of the treasurer may appeal such decision in accordance with such acts.

(b) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 19. (a) On or before January 1, 2022, the treasurer shall adopt rules and regulations necessary to carry out the provisions of this act.

(b) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 20. (a) Nothing in the student empowerment act shall be deemed to limit the independence or autonomy of a qualified private school or to make the actions of a qualified private school the actions of the state government.

(b) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 21. (a) Except as provided in subsection (h), commencing in the 2021-2022 school year, a student enrolled in a school district shall be deemed a remotely enrolled student in the current school year if such student attended school as a full-time equivalent student through remote learning:

(1) During a state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, for more than a total of 240 school term hours during the school year, regardless of whether the state of disaster emergency continued beyond such time period; or

(2) for more than a total of 40 school term hours during the school year if no state of disaster emergency has been declared under K.S.A. 48-924, and amendments thereto.

(b) For the purposes of calculating a student's total school term hours pursuant to subsection (a), school term hours shall be counted for each day instruction is provided to the student through remote learning.

(c) On or before June 30 of each school year:

(1) A school district that offers remote learning shall determine the remote enrollment of the district based on the number of students remotely enrolled in accordance with this section;

(2) the clerk or superintendent of each school district shall certify under oath to the state board a report showing the remote enrollment of the school district determined pursuant to this section by the grades maintained in the schools of the school district. The state board shall examine such reports upon receipt, and if the state board finds any errors in any such report, the state board shall consult with the school district officer furnishing the report and make any necessary corrections in the report; and

(3) the state board shall determine the number of students who were included in the remote enrollment of each school district and recompute the enrollment of the school district as required pursuant to this section.

(d) A school district that offers remote learning and is determined to have remotely enrolled students pursuant to this section shall receive remote enrollment state aid. The state board shall determine the amount of remote enrollment state aid a school district is to receive by multiplying the remote enrollment of the school district by \$5,000. No remote enrollment state aid shall be provided for any student who participates in remote learning on a part-time basis during the school day.

(e) The state board shall notify each school district of the amount of remote enrollment state aid the district shall receive pursuant to this section and, pursuant to K.S.A. 72-5136, and amendments thereto, shall:

(1) Require the district to remit any such amount of overpayment made to the district in the current school year; or

(2) deduct the excess amounts paid to the district from future payments made to the school district.

(f) If a student is included in the remote enrollment of a district pursuant to this section, such student shall not be included in the adjusted enrollment of the district in the current school year.

(g) Each school district that determines remote enrollment pursuant to this section shall submit any documentation or information that may be required by the state board.

(h) This section shall not apply to any school district that, due to a disaster, is granted a waiver by the state board of education from the requirements of law relating to the remote learning limitations imposed pursuant to K.S.A. 72-3115, and amendments thereto. Any school district that is granted such waiver shall not be required to determine remote enrollment pursuant to this section and shall determine the district's enrollment as provided in K.S.A. 72-5132, and amendments thereto.

(i) This section shall be a part of and supplemental to the Kansas school equity and enhancement act.

(j) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 22. (a) A student shall be identified as eligible to receive at-risk programs and services if the student meets one or more of the following criteria:

(1) Is not working on academic grade level;

(2) is not meeting the requirements necessary for promotion to the next grade or is failing subjects or courses of study;

(3) is not meeting the requirements necessary for graduation from high school or has the potential to drop out of school;

(4) has insufficient mastery of skills or is not meeting state standards;

(5) has been retained;

(6) has a high rate of absenteeism;

(7) has repeated suspensions or expulsions from school;

(8) is homeless or migrant;

(9) is identified as an English language learner;

(10) has social-emotional needs that cause the student to be unsuccessful in school; or

(11) is identified as a student with dyslexia.

(b) This section shall be a part of and supplemental to the Kansas school equity and enhancement act.

(c) This section shall take effect and be in force from and after July 1, 2021.

Sec. 23. On and after July 1, 2021, K.S.A. 72-1163 is hereby amended to read as follows: 72-1163. (a) Each year the board of education of a school district shall conduct an assessment of the educational needs of each attendance center in the district. Information obtained from such needs-assessment shall be used by the board when preparing the budget of the school district to ensure improvement in student academic performance. The budget of the school district shall allocate sufficient moneys in a manner reasonably calculated such that all students may achieve the goal set forth in K.S.A. 72-3218(c), and amendments thereto. The board also shall prepare a summary of the budget for the school district. The budgets and summary shall be in the form prescribed by the director pursuant to K.S.A. 79-2926, and amendments thereto.

(b) The budgets and the summary of the proposed budget shall be on file at the administrative offices of the school district. Copies of such budgets and summary shall be available upon request.

(c) The notice required to be published by K.S.A. 79-2929, and amendments thereto, shall include a statement that the budgets and the summary of the proposed budget is on file at the administrative offices of the district and that copies of such budgets and summary are available upon request.

Sec. 24. On and after July 1, 2021, K.S.A. 72-3115 is hereby amended to read as follows: 72-3115. (a) (1) Subject to the other provisions of this section, a school term during which public school shall be maintained in each school year by each school district organized under the laws of this state shall consist of not less than 186 school days for ~~pupils~~ students attending kindergarten or any of the grades one through 11 and not less than 181 school days for ~~pupils~~ students attending grade 12.

(2) Except as provided in subsection (j), the days of the school term during which school shall be maintained pursuant to this section only include days that allow each student enrolled in a school district to physically attend school in person on a full-time basis.

(b) (1) Subject to a policy developed and adopted by the board of any school district and the provisions of this section, the board may provide for a school term consisting of school hours. A school term provided for in a policy adopted under this subsection shall consist of: ~~(1) (A) For ~~pupils~~ students attending kindergarten, not less than 465 school hours in each school year; and (2) (B) for ~~pupils~~ students attending any of the grades one through 11, not less than 1,116 school hours in each school year; and (3) (C) for ~~pupils~~ students attending grade 12, not less than 1,086 school hours in each school year. Each board of education ~~which that~~ develops and adopts a policy providing for a school term in accordance with this subsection shall notify the state board of education thereof on or before September 15 in each school year for which the policy is to be in effect.~~

(2) Except as provided in subsection (j), if a board provides for a school term pursuant to this subsection, the school hours during which school shall be maintained pursuant to this section only include hours that allow each student enrolled in a school district to physically attend school in person on a full-time basis.

(c) Subject to a plan developed and adopted by the board of any school district, the board may schedule the school days required for a school term provided for under subsection (a), or the school hours required for a school term provided for in a policy adopted under subsection (b), on a trimestral or quarterly basis. Each board of education ~~which that~~ develops and adopts a plan providing for the scheduling of the school days or school hours of the school term on a trimestral or quarterly basis shall submit the plan to the state board of education for approval prior to implementation. The plan shall be prepared in such form and manner as the state board shall require and shall be submitted at a time or times to be determined and specified by the state board.

(d) Subject to a policy developed and adopted by the board of any district as an adjunct to the district's disciplinary policy or as a part of the district's school improvement plan, the board may schedule school days in addition to the school days scheduled for a school term provided for under subsection (a), or school hours in addition to the school hours scheduled for a school term provided for in a policy adopted under subsection (b), or both such additional school days and school hours for

~~pupils students~~ who are in need of remedial education or who are subject to disciplinary measures imposed under the district's disciplinary policy. Any school day or school hour scheduled for a ~~pupil student~~ under a policy adopted under this subsection may be scheduled on weekends, before or after regular school hours, and during the summer months. Inexcusable absence from school on any school day or during any school hour by any ~~pupil student~~ for whom additional school days or school hours have been scheduled under a policy adopted under this subsection shall be counted as an inexcusable absence from school for the purposes of K.S.A. 72-3121, and amendments thereto.

(e) If the board of any school district, or its designee, shall determine that inclement weather will cause hazardous driving conditions, the board, or its designee, may close any or all of the schools within the district. The amount of time ~~pupils students~~ have been in attendance when such determination is made shall be considered a school day of a school term or shall be considered the number of school hours for ~~pupils students~~ to be in attendance at school in a day, whichever is applicable. Consonant with the other provisions of this section, a board may schedule any number of days or hours in excess of the regularly scheduled school days or school hours ~~which that~~ the board determines will be necessary to compensate for those school days or school hours that schools of the district will remain closed during the school term due to hazardous driving conditions. If the number of days or hours schools remain closed due to hazardous driving conditions exceeds the number of days or hours scheduled by the board to compensate for such school days or school hours, the excess number of days or hours, not to exceed whichever is the lesser of: (1) The number of compensatory days or hours scheduled by the board; or (2) five days or the number of school hours regularly scheduled in five days, that schools remain closed due to such conditions shall be considered school days or school hours.

(f) The state board of education may waive the requirements of law relating to the duration of the school term upon application for such waiver by a school district. Such waiver may be granted by the state board of education upon: (1) Certification by a board that, due to the persistence of inclement weather, hazardous driving conditions have existed in the school district for an inordinate period of time; and (2) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with statutory requirements. Such waiver shall not exempt a school district from providing a school offering for each ~~pupil which student that~~ is substantially equivalent to that required by law.

(g) Time reserved for parent-teacher conferences for discussions on the progress of ~~pupils students~~ may be considered part of the school term.

(h) Time reserved for staff development or inservice training programs for the purpose of improving staff skills, developing competency in new or highly specialized fields, improving instructional techniques, or curriculum planning and study may be considered part of the school term for an aggregate amount of time equal to the amount of time in excess of the school term ~~which that~~ is scheduled by a board of education for similar activities.

(i) Boards of education may employ noncertificated personnel to supervise ~~pupils students~~ for noninstructional activities.

(j) (1) If authorized by the state board of education, a board of education of a school district may:

(A) Provide for not more than a total of 40 days of the school term to be conducted using remote learning if such board of education is operating pursuant to the provisions of subsection (a); or

(B) provide for not more than a total of 240 school term hours to be conducted using remote learning if such board of education is operating pursuant to the provisions of subsection (b).

(2) The state board of education may authorize a school to conduct remote learning in accordance with this section in any school year upon application by a school district. The application may be granted by the state board of education upon:

(A) Certification by a school district that, due to disaster, conditions resulting from widespread or severe property damage caused by the disaster or other conditions restricting the operation of public schools will exist in the school district for an inordinate period of time; and

(B) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with the requirements of this section unless remote learning is conducted for a period of time not to exceed the limitations provided in paragraph (1) except when such limitations are waived by the state board pursuant to this section.

(3) The state board of education may waive the requirements of law relating to the remote learning limitations in any school year upon application for such waiver by a school district. The waiver may be granted by the state board of education upon:

(A) Certification by a board of education that, due to disaster, conditions resulting from widespread or severe property damage caused by the disaster or other conditions restricting the operation of public schools will exist in the school district for an inordinate period of time; and

(B) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with such requirements of law and that remote learning beyond the limitations provided in this section would allow the school district to continue to provide education to students during such conditions.

(k) As used in this section:

(1) "Disaster" means a state of disaster emergency declared by proclamation of the governor pursuant to K.S.A. 48-924, and amendments thereto, closure of schools by order issued by a county or joint board of health, a local health officer pursuant to K.S.A. 65-119, and amendments thereto, or the secretary of health and environment pursuant to K.S.A. 65-126, and amendments thereto, or occurrence of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause, including, but not limited to, fire, flood, earthquake, tornado, wind, storm, epidemics, air contamination, blight, drought, infestation or explosion.

(2) "Remote learning" means a method of providing education in which a student, although regularly enrolled in a school district, does not physically attend the attendance center such student would otherwise attend in person on a full-time basis and curriculum and instruction are prepared, provided and supervised by teachers and staff of such school district so as to approximate the student learning experience that would take place in the attendance center classroom.

Sec. 25. On and after July 1, 2021, K.S.A. 2020 Supp. 72-3117 is hereby amended to read as follows: 72-3117. (a) Except as provided in K.S.A. 72-3115, and amendments thereto, the state board of education may waive the requirements of law relating to the

duration of the school term in any school year upon application for such waiver by a school district. The waiver may be granted by the state board of education upon: (1) Certification by a board of education that, due to disaster, conditions resulting from widespread or severe property damage caused by the disaster ~~or other conditions restricting the operation of public schools~~ will exist in the school district for an inordinate period of time; and (2) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with such requirements of law. The period of time school is not maintained during any school year due to conditions resulting from disaster, upon granting of the waiver by the state board of education, shall be considered a part of the school term.

(b) As used in this section, the term "disaster" means ~~the declaration of a state of disaster emergency by the governor pursuant to K.S.A. 48-924, and amendments thereto, closure of schools by order issued by a county or joint board of health, a local health officer pursuant to K.S.A. 65-119, and amendments thereto, or the secretary of health and environment pursuant to K.S.A. 65-126, and amendments thereto, or~~ occurrence of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause, including, but not limited to, fire, flood, earthquake, tornado, wind, storm, epidemics, air contamination, blight, drought, infestation or explosion.

Sec. 26. On and after July 1, 2021, K.S.A. 2020 Supp. 72-4352 is hereby amended to read as follows: 72-4352. As used in the tax credit for low income students scholarship program act:

(a) "Contributions" means monetary gifts or donations and in-kind contributions, gifts or donations that have an established market value.

(b) "Department" means the Kansas department of revenue.

(c) "Educational scholarship" means an amount not to exceed \$8,000 per school year provided to an eligible student, or to a qualified school with respect to an eligible student, to cover all or a portion of the costs of education including tuition, fees and expenses of a qualified school and, if applicable, the costs of transportation to a qualified school if provided by such qualified school.

(d) "Eligible student" means a child who:

~~(1) (A) Is an at-risk student, as defined in K.S.A. 72-5132, and amendments thereto, and who is attending a public school; or (B) has been eligible to receive an educational scholarship under this program and has not graduated from high school or reached 21 years of age;~~

~~(2) Resides in Kansas while eligible for an educational scholarship; and~~

~~(3) (A)(2) (A) (i) Is eligible for free or reduced-price meals under the national school lunch act; and~~

~~(ii) (a) was enrolled in any public school in the previous school year in which an educational scholarship is first sought for the child; or~~

~~(B)(b) is eligible to be enrolled in any public school in the school year in which an educational scholarship is first sought for the child and the child is under the age of six years; or~~

~~(B) has received an educational scholarship under the program and has not graduated from high school or reached the age of 21 years.~~

(e) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child.

(f) "Program" means the tax credit for low income students scholarship program established in K.S.A. 72-4351 through 72-4357, and amendments thereto.

(g) "Public school" means ~~an elementary school that is operated by a school district, and identified by the state board as one of the lowest 100 performing elementary schools with respect to student achievement among all elementary schools operated by school districts for the current school year~~ any school operated by a unified school district under the laws of this state.

(h) "Qualified school" means any nonpublic school that:

(1) Provides education to elementary or secondary students;

(2) is accredited by the state board or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure;

(3) has notified the state board of its intention to participate in the program; and

(4) complies with the requirements of the program. ~~On and after July 1, 2020, a qualified school shall be accredited by the state board or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure.~~

(i) "Scholarship granting organization" means an organization that complies with the requirements of this program and provides educational scholarships to eligible students or to qualified schools in which parents have enrolled eligible students.

(j) "School district" or "district" means any unified school district organized and operating under the laws of this state.

(k) "School year" ~~shall have the meaning ascribed thereto~~ means the same as in K.S.A. 72-5132, and amendments thereto.

(l) "Secretary" means the secretary of revenue.

(m) "State board" means the state board of education.

Sec. 27. On and after July 1, 2021, K.S.A. 2020 Supp. 72-4354 is hereby amended to read as follows: 72-4354. (a) To be eligible to participate in the program, a scholarship granting organization shall comply with the following:

(1) The scholarship granting organization shall notify the secretary and the state board of the scholarship granting organization's intent to provide educational scholarships;

(2) upon granting an educational scholarship, the scholarship granting organization shall report such information to the state board;

(3) the scholarship granting organization shall provide verification to the secretary that the scholarship granting organization is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(4) upon receipt of contributions in an aggregate amount or value in excess of \$50,000 during a school year, a scholarship granting organization shall file with the state board either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the scholarship granting organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(5) scholarship granting organizations that provide other nonprofit services in

addition to providing educational scholarships shall not commingle contributions made under the program with other contributions made to such organization. A scholarship granting organization under this subsection shall also file with the state board, prior to the commencement of each school year, either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the nonprofit organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(6) each qualified school receiving educational scholarships from the scholarship granting organization shall annually certify to the scholarship granting organization its compliance with the requirements of the program;

(7) at the end of the calendar year, the scholarship granting organization shall have its accounts examined and audited by a certified public accountant. Such audit shall include, but not be limited to, information verifying that the educational scholarships awarded by the scholarship granting organization were distributed to qualified schools with respect to eligible students determined by the state board under K.S.A. 72-4353(c), and amendments thereto, and information specified in this section. Prior to filing a copy of the audit with the state board, such audit shall be duly verified and certified by a certified public accountant; and

(8) if a scholarship granting organization decides to limit the number or type of qualified schools who will receive educational scholarships, the scholarship granting organization shall provide, in writing, the name or names of those qualified schools to any contributor and the state board.

(b) No scholarship granting organization shall provide an educational scholarship with respect to any eligible student to attend any qualified school with paid staff or paid board members, or relatives thereof, in common with the scholarship granting organization.

(c) The scholarship granting organization shall disburse not less than 90% of contributions received pursuant to the program in the form of educational scholarships within 36 months of receipt of such contributions. If such contributions have not been disbursed within the applicable 36-month time period, then the scholarship granting organization shall not accept new contributions until 90% of the received contributions have been disbursed in the form of educational scholarships. Any income earned from contributions must be disbursed in the form of educational scholarships.

(d) A scholarship granting organization may continue to provide an educational scholarship with respect to a student who was an eligible student in the year immediately preceding the current school year.

(e)-(f) A scholarship granting organization shall direct payments of educational scholarships to the qualified school attended by the eligible student or in which the eligible student is enrolled. Payment may be made by check made payable to both the parent and the qualified school or to only the qualified school. If an eligible student transfers to a new qualified school during a school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the new qualified school based on the eligible student's attendance. If the eligible student transfers to a public school and enrolls in such public school after September 20

of the current school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the public school based on the eligible student's attendance. The prorated amount to the public school shall be considered a donation and shall be paid to the school district of such public school in accordance with K.S.A. 72-1142, and amendments thereto.

~~(2) As used in this subsection, the term "public school" means any school operated by a school district.~~

(f) Each qualified school 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 K.S.A. 2020 Supp. 72-5178, and amendments thereto, for such school are published. The link shall be prominently displayed on the school's accountability reports webpage.

(g) By June 1 of each year, a scholarship granting organization shall submit a report to the state board for the educational scholarships provided in the immediately preceding 12 months. Such report shall be in a form and manner as prescribed by the state board, approved and signed by a certified public accountant, and shall contain the following information:

- (1) The name and address of the scholarship granting organization;
- (2) the name and address of each eligible student with respect to whom an educational scholarship was awarded by the scholarship granting organization;
- (3) the total number and total dollar amount of contributions received during the 12-month reporting period; and
- (4) the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period and the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period with respect to eligible students who qualified under K.S.A. 72-4352(d), and amendments thereto.

~~(g)~~(h) No scholarship granting organization shall:

(1) Provide an educational scholarship with respect to an eligible student that is established by funding from any contributions made by any relative of such eligible student; ~~or~~

(2) accept a contribution from any source with the express or implied condition that such contribution be directed toward an educational scholarship for a particular eligible student; or

(3) provide an educational scholarship to an eligible student who is participating in the student empowerment program pursuant to section 4 et seq., and amendments thereto.

Sec. 28. On and after July 1, 2021, K.S.A. 2020 Supp. 72-5131 is hereby amended to read as follows: 72-5131. K.S.A. 72-5131 through 72-5176, and amendments thereto, and K.S.A. 2020 Supp. 72-5178 ~~and~~, 72-5179, ~~and sections 21 and 22,~~ and amendments thereto, shall be known and may be cited as the Kansas school equity and enhancement act.

Sec. 29. On and after July 1, 2021, K.S.A. 2020 Supp. 72-5132 is hereby amended to read as follows: 72-5132. As used in the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto:

(a) "Adjusted enrollment" means the enrollment of a school district, excluding the remote enrollment determined pursuant to section 21, and amendments thereto, adjusted by adding the following weightings, if any, to the enrollment of a school district: At-risk

student weighting; bilingual weighting; career technical education weighting; high-density at-risk student weighting; high enrollment weighting; low enrollment weighting; school facilities weighting; ancillary school facilities weighting; cost-of-living weighting; special education and related services weighting; and transportation weighting.

(b) "Ancillary school facilities weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5158, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(c) (1) "At-risk student" means a student who is eligible for free meals under the national school lunch act, and who is enrolled in a school district that maintains an approved at-risk student assistance program.

(2) The term "at-risk student" shall not include any student enrolled in any of the grades one through 12 who is in attendance less than full time, or any student who is over 19 years of age. The provisions of this paragraph shall not apply to any student who has an individualized education program.

(d) "At-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5151(a), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(e) "Base aid for student excellence" or "BASE aid" means an amount appropriated by the legislature in a fiscal year for the designated year. The amount of BASE aid shall be as follows:

- (1) For school year 2018-2019, \$4,165;
- (2) for school year 2019-2020, \$4,436;
- (3) for school year 2020-2021, \$4,569;
- (4) for school year 2021-2022, \$4,706;
- (5) for school year 2022-2023, \$4,846; and
- (6) for school year 2023-2024, and each school year thereafter, the BASE aid shall be the BASE aid amount for the immediately preceding school year plus an amount equal to the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor during the three immediately preceding school years rounded to the nearest whole dollar amount.

(f) "Bilingual weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5150, and amendments thereto, on the basis of costs attributable to the maintenance of bilingual educational programs by such school districts.

(g) "Board" means the board of education of a school district.

(h) "Budget per student" means the general fund budget of a school district divided by the enrollment of the school district.

(i) "Categorical fund" means and includes the following funds of a school district: Adult education fund; adult supplementary education fund; at-risk education fund; bilingual education fund; career and postsecondary education fund; driver training fund; educational excellence grant program fund; extraordinary school program fund; food service fund; parent education program fund; preschool-aged at-risk education fund; professional development fund; special education fund; and summer program fund.

(j) "Cost-of-living weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5159, and amendments thereto, on the basis of costs attributable to the cost of living in such school districts.

(k) "Current school year" means the school year during which state foundation aid is determined by the state board under K.S.A. 72-5134, and amendments thereto.

(l) "Enrollment" means, except as provided in section 21, and amendments thereto:

(1) The number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the preceding school year plus the number of preschool-aged at-risk students regularly enrolled in the school district on September 20 of the current school year, except a student who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the school district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the school district for at least one semester or two quarters, or the equivalent thereof.

(2) If the enrollment in a school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means the sum of:

(A) The enrollment in the second preceding school year, excluding students under paragraph (2)(B), minus enrollment in the preceding school year of preschool-aged at-risk students, if any, plus enrollment in the current school year of preschool-aged at-risk students, if any; and

(B) the adjusted enrollment in the second preceding school year of any students participating in the tax credit for low income students scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the preceding school year, if any, plus the adjusted enrollment in the preceding school year of preschool-aged at-risk students who are participating in the tax credit for low income students scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the current school year, if any.

(3) For any school district that has a military student, as that term is defined in K.S.A. 72-5139, and amendments thereto, enrolled in such district, and that received federal impact aid for the preceding school year, if the enrollment in such school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means whichever is the greater of:

(A) The enrollment determined under paragraph (2); or

(B) the sum of the enrollment in the preceding school year of preschool-aged at-risk students, if any, and the arithmetic mean of the sum of:

(i) The enrollment of the school district in the preceding school year, minus the enrollment in such school year of preschool-aged at-risk students, if any;

(ii) the enrollment in the second preceding school year, minus the enrollment in such school year of preschool-aged at-risk students, if any; and

(iii) the enrollment in the third preceding school year, minus the enrollment in such school year of preschool-aged at-risk students, if any.

(4) The enrollment determined under paragraph (1), (2) or (3), except if the school district begins to offer kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding

school year.

(m) "February 20" has its usual meaning, except that in any year in which February 20 is not a day on which school is maintained, it means the first day after February 20 on which school is maintained.

(n) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a school district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.

(o) "General fund" means the fund of a school district from which operating expenses are paid and in which is deposited all amounts of state foundation aid provided under this act, payments under K.S.A. 72-528, and amendments thereto, payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program and such other moneys as are provided by law.

(p) "General fund budget" means the amount budgeted for operating expenses in the general fund of a school district.

(q) "High-density at-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5151(b), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(r) "High enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5149(b), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(s) "Juvenile detention facility" means the same as such term is defined in K.S.A. 72-1173, and amendments thereto.

(t) "Local foundation aid" means the sum of the following amounts:

(1) An amount equal to any unexpended and unencumbered balance remaining in the general fund of the school district, except moneys received by the school district and authorized to be expended for the purposes specified in K.S.A. 72-5168, and amendments thereto;

(2) an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, ~~and amendments thereto~~, prior to their repeal;

(3) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district under the provisions of K.S.A. 72-3123(a), and amendments thereto;

(4) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district pursuant to contracts made and entered into under authority of K.S.A. 72-3125, and amendments thereto;

(5) an amount equal to the amount credited to the general fund in the current school year from moneys distributed in such school year to the school district under the provisions of articles 17 and 34 of chapter 12 of the Kansas Statutes Annotated, and

amendments thereto, and under the provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto;

(6) an amount equal to the amount of payments received by the school district under the provisions of K.S.A. 72-3423, and amendments thereto;

(7) an amount equal to the amount of any grant received by the school district under the provisions of K.S.A. 72-3425, and amendments thereto; and

(8) an amount equal to 70% of the federal impact aid of the school district.

(u) "Low enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5149(a), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(v) "Operating expenses" means the total expenditures and lawful transfers from the general fund of a school district during a school year for all purposes, except expenditures for the purposes specified in K.S.A. 72-5168, and amendments thereto.

(w) "Preceding school year" means the school year immediately before the current school year.

(x) "Preschool-aged at-risk student" means an at-risk student who has attained the age of three years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines governing the selection of students for participation in head start programs.

(y) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten. The terms "exceptional children" and "gifted children" have the same meaning as those terms are defined in K.S.A. 72-3404, and amendments thereto.

(z) "Psychiatric residential treatment facility" means the same as such term is defined in K.S.A. 72-1173, and amendments thereto.

(aa) (1) "Remote enrollment" means the number of students regularly enrolled in kindergarten and grades one through 12 in the school district who attended school through remote learning for any of the time periods described in section 21, and amendments thereto.

(2) This subsection shall not apply in any school year prior to the 2021-2022 school year.

(bb) (1) "Remote learning" means a method of providing education in which the student, although regularly enrolled in a school district, does not physically attend the attendance center such student would otherwise attend in person on a full-time basis and curriculum and instruction are prepared, provided and supervised by teachers and staff of such school district so as to approximate the student learning experience that would take place in the attendance center classroom.

(2) "Remote learning" does not include virtual school as such term is defined in K.S.A. 72-3712, and amendments thereto.

(3) This subsection shall not apply in any school year prior to the 2021-2022 school year.

(cc) "School district" means a school district organized under the laws of this state that is maintaining public school for a school term in accordance with the provisions of K.S.A. 72-3115, and amendments thereto.

~~(bb)~~ (dd) "School facilities weighting" means an addend component assigned to the

enrollment of school districts pursuant to K.S.A. 72-5156, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

~~(ee)~~(ee) "School year" means the 12-month period ending June 30.

~~(dd)~~(ff) "September 20" has its usual meaning, except that in any year in which September 20 is not a day on which school is maintained, it means the first day after September 20 on which school is maintained.

~~(ee)~~(gg) "Special education and related services weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5157, and amendments thereto, on the basis of costs attributable to the maintenance of special education and related services by such school districts.

~~(ff)~~(hh) "State board" means the state board of education.

~~(gg)~~(ii) "State foundation aid" means the amount of aid distributed to a school district as determined by the state board pursuant to K.S.A. 72-5134, and amendments thereto.

~~(hh)~~(jj) (1) "Student" means any person who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 maintained by the school district or who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 in another school district in accordance with an agreement entered into under authority of K.S.A. 72-13,101, and amendments thereto, or who is regularly enrolled in a school district and attending special education services provided for preschool-aged exceptional children by the school district.

(2) (A) Except as otherwise provided in this subsection, the following shall be counted as one student:

(i) A student in attendance full-time; and

(ii) a student enrolled in a school district and attending special education and related services, provided for by the school district.

(B) The following shall be counted as  $\frac{1}{2}$  student:

(i) A student enrolled in a school district and attending special education and related services for preschool-aged exceptional children provided for by the school district; and

(ii) a preschool-aged at-risk student enrolled in a school district and receiving services under an approved at-risk student assistance plan maintained by the school district.

(C) A student in attendance part-time shall be counted as that proportion of one student ~~( $\frac{1}{2}$ )~~ to the nearest  $\frac{1}{10}$  that the student's attendance bears to full-time attendance.

(D) A student enrolled in and attending an institution of postsecondary education that is authorized under the laws of this state to award academic degrees shall be counted as one student if the student's postsecondary education enrollment and attendance together with the student's attendance in either of the grades 11 or 12 is at least  $\frac{5}{6}$  time, otherwise the student shall be counted as that proportion of one student ~~( $\frac{1}{2}$ )~~ to the nearest  $\frac{1}{10}$  that the total time of the student's postsecondary education attendance and attendance in grades 11 or 12, as applicable, bears to full-time attendance.

(E) A student enrolled in and attending a technical college, a career technical education program of a community college or other approved career technical education

program shall be counted as one student, if the student's career technical education attendance together with the student's attendance in any of grades nine through 12 is at least  $\frac{5}{6}$  time, otherwise the student shall be counted as that proportion of one student to the nearest  $\frac{1}{10}$ , that the total time of the student's career technical education attendance and attendance in any of grades nine through 12 bears to full-time attendance.

(F) A student enrolled in a school district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one student to the nearest  $\frac{1}{10}$ , that the student's attendance at the non-virtual school bears to full-time attendance.

(G) A student enrolled in a school district and attending special education and related services provided for by the school district and also attending a virtual school shall be counted as that proportion of one student to the nearest  $\frac{1}{10}$ , that the student's attendance at the non-virtual school bears to full-time attendance.

(H) A student enrolled in a school district and attending school on a part-time basis through remote learning and also attending school in person on a part-time basis shall be counted as that proportion of one student, to the nearest  $\frac{1}{10}$ , that the student's in-person attendance bears to full-time attendance.

~~(H)~~(I) (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.

(3) The following shall not be counted as a student:

- (A) An individual residing at the Flint Hills job corps center;
- (B) except as provided in paragraph (2), an individual confined in and receiving educational services provided for by a school district at a juvenile detention facility; and
- (C) an individual enrolled in a school district but housed, maintained and receiving educational services at a state institution or a psychiatric residential treatment facility.

(4) A student enrolled in virtual school pursuant to K.S.A. 72-3711 et seq., and amendments thereto, shall be counted in accordance with the provisions of K.S.A. 72-3715, and amendments thereto.

(5) A student enrolled in a school district who attends school through remote learning shall be counted in accordance with the provisions of this section and section 21, and amendments thereto.

~~(i)~~(kk) "Total foundation aid" means an amount equal to the product obtained by multiplying the BASE aid by the adjusted enrollment of a school district.

~~(j)~~(ll) "Transportation weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5148, and amendments thereto, on the basis of costs attributable to the provision or furnishing of transportation.

~~(k)~~(mm) "Virtual school" means the same as such term is defined in K.S.A. 72-

3712, and amendments thereto.

Sec. 30. On and after July 1, 2021, K.S.A. 72-5134 is hereby amended to read as follows: 72-5134. (a) In each school year, the state board shall determine the amount of state foundation aid for each school district for such school year. The state board shall determine the amount of the school district's local foundation aid for the school year. If the amount of the school district's local foundation aid is greater than the amount of total foundation aid determined for the school district for the school year, the school district shall not receive state foundation aid in any amount. If the amount of the school district's local foundation aid is less than the amount of total foundation aid determined for the school district for the school year, the state board shall subtract the amount of the school district's local foundation aid from the amount of total foundation aid. Subject to the provisions of subsection (b), the remainder is the amount of state foundation aid the school district shall receive for the school year.

(b) For school year 2022-2023 and each school year thereafter, the state board shall adjust the amount of state foundation aid for each school district in accordance with section 14, and amendments thereto.

Sec. 31. On and after July 1, 2021, K.S.A. 72-5151 is hereby amended to read as follows: 72-5151. (a) The at-risk student weighting of each school district shall be determined by the state board as follows:

(1) Determine the number of at-risk students included in the enrollment of the school district; and

(2) multiply the number determined under subsection (a)(1) by 0.484. The resulting sum is the at-risk student weighting of the school district.

~~(b) Except as provided in subsection (b)(4), the high density at-risk student weighting of each school district shall be determined by the state board as follows:~~

~~(1) (A) If the enrollment of the school district is at least 35% at-risk students, but less than 50% at-risk students:~~

~~(i) Subtract 35% from the percentage of at-risk students included in the enrollment of the school district;~~

~~(ii) multiply the difference determined under subsection (b)(1)(A)(i) by 0.7; and~~

~~(iii) multiply the product determined under subsection (b)(1)(A)(ii) by the number of at-risk students included in the enrollment of the school district; or~~

~~(B) if the enrollment of the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of the school district by 0.105; or~~

~~(2) (A) if the enrollment of a school in the school district is at least 35% at-risk students, but less than 50% at-risk students:~~

~~(i) Subtract 35% from the percentage of at-risk students included in the enrollment of such school;~~

~~(ii) multiply the difference determined under subsection (b)(2)(A)(i) by 0.7; and~~

~~(iii) multiply the product determined under subsection (b)(2)(A)(ii) by the number of at-risk students included in the enrollment of such school; or~~

~~(B) if the enrollment of a school in the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of such school by 0.105; and~~

~~(C) add the products determined under subsections (b)(2)(A)(iii) and (b)(2)(B) for each such school in the school district, respectively.~~

~~(3) The high-density at-risk weighting of the school district shall be the greater of the product determined under subsection (b)(1) or the sum determined under subsection (b)(2)(C).~~

~~(4) Commencing in school year 2018-2019, school districts that qualify to receive the high-density at-risk weighting pursuant to this section shall spend any money attributable to the school district's high-density at-risk weighting on the at-risk best practices developed by the state board pursuant to K.S.A. 72-5153(d), and amendments thereto. If a school district that qualifies for the high-density at-risk weighting does not spend such money on such best practices, the state board shall notify the school district that it shall either spend such money on such best practices or shall show improvement within five years of notification. Improvement shall include, but not be limited to, the following: (A) The percentage of students at grade level on state math and English language arts assessments; (B) the percentage of students that are college and career ready on state math and English language arts assessments; (C) the average composite ACT score; or (D) the four-year graduation rate. If a school district does not spend such money on such best practices and does not show improvement within five years, the school district shall not qualify to receive the high-density at-risk weighting in the succeeding school year.~~

~~(5) The provisions of this subsection shall expire on July 1, 2020. On and after July 1, 2021, except as provided in subsection (b)(4), the high-density at-risk student weighting of each school district shall be determined by the state board as follows:~~

~~(1) (A) If the enrollment of the school district is at least 35% at-risk students, but less than 50% at-risk students:~~

~~(i) Subtract 35% from the percentage of at-risk students included in the enrollment of the school district;~~

~~(ii) multiply the difference determined under subsection (b)(1)(A)(i) by 0.7; and~~

~~(iii) multiply the product determined under subsection (b)(1)(A)(ii) by the number of at-risk students included in the enrollment of the school district; or~~

~~(B) if the enrollment of the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of the school district by 0.105; or~~

~~(2) (A) if the enrollment of a school in the school district is at least 35% at-risk students, but less than 50% at-risk students:~~

~~(i) Subtract 35% from the percentage of at-risk students included in the enrollment of such school;~~

~~(ii) multiply the difference determined under subsection (b)(2)(A)(i) by 0.7; and~~

~~(iii) multiply the product determined under subsection (b)(2)(A)(ii) by the number of at-risk students included in the enrollment of such school; or~~

~~(B) if the enrollment of a school in the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of such school by 0.105; and~~

~~(C) add the products determined under subsections (b)(2)(A)(iii) and (b)(2)(B) for each such school in the school district, respectively.~~

~~(3) The high-density at-risk weighting of the school district shall be the greater of the product determined under subsection (b)(1) or the sum determined under subsection (b)(2)(C).~~

~~(4) School districts that qualify to receive the high-density at-risk weighting~~

pursuant to this section shall spend any money attributable to the school district's high-density at-risk weighting on the at-risk best practices developed by the state board pursuant to K.S.A. 72-5153(d), and amendments thereto. If a school district that qualifies for the high-density at-risk weighting does not spend such money on such best practices, the state board shall notify the school district that it shall either spend such money on such best practices or shall show improvement within five years of notification. Improvement shall include, but not be limited to, the following: (A) The percentage of students at grade level on state math and English language arts assessments; (B) the percentage of students that are college and career ready on state math and English language arts assessments; (C) the average composite ACT score; or (D) the four-year graduation rate. If a school district does not spend such money on such best practices and does not show improvement within five years, the school district shall not qualify to receive the high-density at-risk weighting in the succeeding school year.

(5) The provisions of this subsection shall expire on July 1, 2022.

Sec. 32. On and after July 1, 2021, K.S.A. 2020 Supp. 72-5178 is hereby amended to read as follows: 72-5178. (a) On or before January 15 of each year, the state department of education shall prepare and submit a performance accountability report and a longitudinal achievement report for all students enrolled in any public school or accredited nonpublic school in the state, each school district ~~and~~, each school operated by a school district and each accredited nonpublic school to the governor and to the legislature.

(b) Each performance accountability report shall be prepared in a single-page format containing the information that is required to be reported under the federal elementary and secondary education act, as amended by the federal every student succeeds act, public law 114-95, or any successor federal acts, and the college and career readiness metrics developed and implemented by the state board. The report shall use the categories for achievement identified under the federal every student succeeds act, public law 114-95, or any successor achievement categories. All categories and metrics included in the report shall be clearly defined.

(c) Each longitudinal achievement report shall provide the achievement rates on the state assessments for English language arts, math and science for all students and each student subgroup and the change in achievement rate year-over-year starting with the school year in which the state board first implemented new achievement standards on such state assessments.

(d) All reports prepared pursuant to this section shall be published in accordance with K.S.A. 2020 Supp. 72-1181, and amendments thereto.

Sec. 33. On and after July 1, 2021, K.S.A. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income

tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction, except that the federal net operating loss deduction shall not be added to an individual's federal adjusted gross income for tax years beginning after December 31, 2016.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments thereto.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,204, and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203, and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 75-643,

and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to K.S.A. 79-32,117(c)(xv), and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xiii), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.

(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,256, and amendments thereto.

(xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xix) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's

form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer, to the extent the deduction is attributable to income reported on schedule C, E or F and on line 12, 17 or 18 of the taxpayer's form 1040 federal income tax return.

(xxi) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the taxpayer or the taxpayer's spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2020 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2020 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(xxvi) For all taxable years beginning after December 31, 2016, the amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 72-99a07, and amendments thereto, and is also claimed as

an itemized deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received ~~which that~~ are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain ~~which that~~ is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain ~~which that~~ was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form ~~which that~~ were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas venture capital, inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, ~~which that~~ accrues to the taxpayer who is a stockholder of such corporation and ~~which that~~ is not distributed to the stockholders as dividends of the corporation. For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(xv) For all taxable years beginning after December 31, 2017, the cumulative amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary that are contributed to: (1) A family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary; or (2) an achieving a better life experience (ABLE) account established under the Kansas ABLE savings program or a qualified ABLE program established and maintained by another state or agency or instrumentality thereof pursuant to section 529A of the internal revenue code of 1986, as amended, for the purpose of saving private funds to support an individual with a disability. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 75-643 and 75-652, and amendments thereto, and the provisions of such sections are hereby incorporated by reference for all purposes thereof.

(xvi) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 Session Laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xviii) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act ~~which that~~ are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act ~~which that~~ are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income, not including guaranteed payments as defined in section 707(c) of the federal internal revenue code and as reported to the taxpayer from federal schedule K-1, (form 1065-B), in box 9, code F or as reported to the taxpayer from federal schedule K-1, (form 1065) in box 4, from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(xxi) For all taxable years beginning after December 31, 2013, amounts equal to the unreimbursed travel, lodging and medical expenditures directly incurred by a taxpayer while living, or a dependent of the taxpayer while living, for the donation of one or more human organs of the taxpayer, or a dependent of the taxpayer, to another person for human organ transplantation. The expenses may be claimed as a subtraction modification provided for in this section to the extent the expenses are not already subtracted from the taxpayer's federal adjusted gross income. In no circumstances shall the subtraction modification provided for in this section for any individual, or a dependent, exceed \$5,000. As used in this section, "human organ" means all or part of a liver, pancreas, kidney, intestine, lung or bone marrow. The provisions of this paragraph shall take effect on the day the secretary of revenue certifies to the director of the budget that the cost for the department of revenue of modifications to the automated tax system for the purpose of implementing this paragraph will not exceed \$20,000.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of net gain from the sale of: (1) Cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 24 months or more from the date of acquisition; and (2) other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 12 months or more from the date of

acquisition. The subtraction from federal adjusted gross income shall be limited to the amount of the additions recognized under the provisions of subsection (b)(ix) attributable to the business in which the livestock sold had been used. As used in this paragraph, the term "livestock" shall not include poultry.

(xxiii) For all taxable years beginning after December 31, 2012, amounts received under either the Overland Park, Kansas police department retirement plan or the Overland Park, Kansas fire department retirement plan, both as established by the city of Overland Park, pursuant to the city's home rule authority.

(xxiv) For taxable years beginning after December 31, 2013, and ending before January 1, 2017, the net gain from the sale from Christmas trees grown in Kansas and held by the taxpayer for six years or more.

(xxv) For all taxable years beginning after December 31, 2021, amounts deposited in a student empowerment account established by agreement between the taxpayer and the state treasurer pursuant to section 9, and amendments thereto.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner ~~which that~~ relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

(f) No taxpayer shall be assessed penalties and interest from the underpayment of taxes due to changes to this section that became law on July 1, 2017, so long as such underpayment is rectified on or before April 17, 2018.

Sec. 34. On and after July 1, 2021, K.S.A. 72-1163, 72-3115, 72-5134, 72-5151 and 79-32,117 and K.S.A. 2020 Supp. 72-3117, 72-4352, 72-4354, 72-5131, 72-5132 and 72-5178 are hereby repealed.";

On page 8, in line 42, 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 "ACT"; by striking all in lines 2 through 8; in line 9, by striking all before the period and inserting "concerning education; relating to the instruction and financing thereof; making and concerning appropriations for the department of education for fiscal years ending June 30, 2021, June 30, 2022, and June 30, 2023; creating the student empowerment act to provide education savings accounts to certain students; requiring the school term to be conducted through in-person education and allowing for limited remote learning; requiring boards of education to allocate sufficient school district moneys to improve academic performance of underachieving students; providing an alternative state aid calculation for school district remote enrollment; expanding student eligibility under the tax credit for low income students scholarship program; amending K.S.A. 72-1163, 72-3115, 72-5134, 72-5151 and 79-32,117 and K.S.A. 2020 Supp. 72-3117, 72-4352, 72-4354, 72-5131, 72-5132 and 72-5178 and repealing the existing sections";

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

KRISTEY WILLIAMS

KYLE HOFFMAN

*Conferees on part of House*

MOLLY BAUMGARDNER  
RENEE ERICKSON  
*Conferees on part of Senate*

The motion of Senator Baumgardner to adopt the conference committee report on **SB 175** failed.

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

Yeas: Alley, Baumgardner, Billinger, Claeys, Erickson, Fagg, Gossage, Hilderbrand, Masterson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Bowers, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, McGinn, O'Shea, Olson, Pettey, Pittman, Sykes, Ware.

The Conference Committee Report was not adopted

**CONFERENCE COMMITTEE REPORT**

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2007** submits the following report:

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

On page 1, by striking all in lines 11 through 36;

By striking all on pages 2 through 6;

On page 7, by striking all in lines 1 through 9; following line 9 by inserting:

"Section 1. (a) For the fiscal years ending June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall not be subject to the provisions of K.S.A. 75-6702(a), and amendments thereto.

(d) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155, and amendments thereto.

Sec. 2.

**ABSTRACTERS' BOARD OF EXAMINERS**

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Abstracters' fee fund (016-00-2700-0100)	
For the fiscal year ending June 30, 2022.....	\$25,716
For the fiscal year ending June 30, 2023.....	\$25,717

Sec. 3.

BOARD OF ACCOUNTANCY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Board of accountancy fee fund (028-00-2701-0100)  
For the fiscal year ending June 30, 2022.....\$440,976

*Provided*, That expenditures from the board of accountancy fee fund for the fiscal year ending June 30, 2022, for official hospitality shall not exceed \$1,200.

For the fiscal year ending June 30, 2023.....\$443,348

*Provided*, That expenditures from the board of accountancy fee fund for the fiscal year ending June 30, 2023, for official hospitality shall not exceed \$1,200.

Special litigation reserve fund (028-00-2715-2700)  
For the fiscal year ending June 30, 2022.....No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2022, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2023.....No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2023, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

(b) During the fiscal year ending June 30, 2022, the executive director of the board of accountancy, with the approval of the director of the budget, may transfer moneys from the board of accountancy fee fund (028-00-2701-0100) to the special litigation reserve fund (028-00-2715-2700) of the board of accountancy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2022, shall not exceed \$15,000: *Provided further*: That the executive director of the board of accountancy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(c) During the fiscal year ending June 30, 2023, the executive director of the board of accountancy, with the approval of the director of the budget, may transfer moneys

from the board of accountancy fee fund (028-00-2701-0100) to the special litigation reserve fund (028-00-2715-2700) of the board of accountancy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2023, shall not exceed \$15,000: *Provided further*, That the executive director of the board of accountancy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 4.

STATE BANK COMMISSIONER

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 3(a) of chapter 5 of the 2020 Session Laws of Kansas on the bank commissioner fee fund (094-00-2811) of the state bank commissioner is hereby decreased from \$11,762,186 to \$10,966,248.

(b) During the fiscal year ending June 30, 2021, notwithstanding the provisions of K.S.A. 74-3005 or 75-3223, and amendments thereto, or any other statute, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2021 as authorized by chapter 68 of the 2019 Session Laws of Kansas, chapter 5 of the 2020 Session Laws of Kansas, this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys to provide per diem compensation of \$100 for members of the state banking board attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, in fiscal year 2021.

Sec. 5.

STATE BANK COMMISSIONER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Bank commissioner fee fund (094-00-2811)  
For the fiscal year ending June 30, 2022.....\$11,304,273

*Provided*, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2022, for official hospitality for the division of consumer and mortgage lending shall not exceed \$1,000: *Provided further*, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2022, for official hospitality for the division of banking shall not exceed \$1,000.

For the fiscal year ending June 30, 2023.....\$11,649,189

*Provided*, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2023, for official hospitality for the division of consumer and mortgage lending shall not exceed \$1,000: *Provided further*, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2023, for official hospitality for the division of banking shall not exceed \$1,000.

Bank examination and investigation fund (094-00-2013-1010)  
For the fiscal year ending June 30, 2022.....No limit  
For the fiscal year ending June 30, 2023.....No limit

Consumer education settlement fund (094-00-2560-2500)  
For the fiscal year ending June 30, 2022.....No limit

*Provided*, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2022, for consumer education purposes, which may be in accordance with contracts for such activities, which are hereby authorized to be entered into by the state bank commissioner or the deputy commissioner of the consumer and mortgage lending division, as the case may require, and the entities conducting such activities.

For the fiscal year ending June 30, 2023.....No limit

*Provided*, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2023, for consumer education purposes, which may be in accordance with contracts for such activities, which are hereby authorized to be entered into by the state bank commissioner or the deputy commissioner of the consumer and mortgage lending division, as the case may require, and the entities conducting such activities.

Litigation expense fund (094-00-2499-2499)

For the fiscal year ending June 30, 2022.....No limit

*Provided*, That the above agency is authorized to make expenditures from the litigation expense fund for the fiscal year ending June 30, 2022, for costs, fees, and expenses associated with administrative or judicial proceedings regarding the enforcement of laws administered by the consumer and mortgage lending division and the enforcement and collection of assessed fines, fees and consumer refunds: *Provided further*; That, during the fiscal year ending June 30, 2022, a portion of the moneys collected as a result of fines and investigative fees collected by the consumer and mortgage lending division, as determined by the deputy of the consumer and mortgage lending division, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the litigation expense fund.

For the fiscal year ending June 30, 2023.....No limit

*Provided*, That the above agency is authorized to make expenditures from the litigation expense fund for the fiscal year ending June 30, 2023, for costs, fees, and expenses associated with administrative or judicial proceedings regarding the enforcement of laws administered by the consumer and mortgage lending division and the enforcement and collection of assessed fines, fees and consumer refunds: *Provided further*; That, during the fiscal year ending June 30, 2023, a portion of the moneys collected as a result of fines and investigative fees collected by the consumer and mortgage lending division, as determined by the deputy of the consumer and mortgage lending division, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the litigation expense fund.

(b) During the fiscal years ending June 30, 2022, and June 30, 2023, notwithstanding the provisions of K.S.A. 9-2209, 9-2218, 16a-2-302 and 16a-6-104, and amendments thereto, or any other statute, all moneys received under the Kansas mortgage business act or the uniform consumer credit code for fines or settlement moneys designated for consumer education shall be deposited in the state treasury to the credit of the consumer education settlement fund (094-00-2560-2500).

Sec. 6.

KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the expenditure limitation established for the

fiscal year ending June 30, 2021, by section 5(a) of chapter 5 of the 2020 Session Laws of Kansas on the board of barbering fee fund (100-00-2704-0100) of the Kansas board of barbering is hereby increased from \$141,042 to \$156,873.

Sec. 7.

KANSAS BOARD OF BARBERING

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Board of barbering fee fund (100-00-2704-0100)  
For the fiscal year ending June 30, 2022.....\$158,683

*Provided*, That expenditures from the board of barbering fee fund for the fiscal year ending June 30, 2022, for official hospitality shall not exceed \$500.

For the fiscal year ending June 30, 2023.....\$159,162

*Provided*, That expenditures from the board of barbering fee fund for the fiscal year ending June 30, 2023, for official hospitality shall not exceed \$500.

Sec. 8.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Behavioral sciences regulatory board fee fund (102-00-2730-0100)  
For the fiscal year ending June 30, 2022.....\$959,145

*Provided*, That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2022, for official hospitality shall not exceed \$1,000:

*Provided further*, That all expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2022, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the behavioral sciences regulatory board fee fund for fiscal year 2022.

For the fiscal year ending June 30, 2023.....\$968,062

*Provided*, That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2023, for official hospitality shall not exceed \$1,000:

*Provided further*, That all expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2023, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the behavioral sciences regulatory board fee fund for fiscal year 2023.

Coronavirus relief fund (102-00-3753)

For the fiscal year ending June 30, 2022.....No limit

For the fiscal year ending June 30, 2023.....No limit

Sec. 9.

STATE BOARD OF HEALING ARTS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Healing arts fee fund (105-00-2705-0100)

For the fiscal year ending June 30, 2022.....\$6,478,748

*Provided*, That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2022, for official hospitality shall not exceed \$1,000; *Provided further*; That all expenditures from the healing arts fee fund for the fiscal year ending June 30, 2022, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the healing arts fee fund for fiscal year 2022.

For the fiscal year ending June 30, 2023.....\$6,852,656

*Provided*, That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2023, for official hospitality shall not exceed \$1,000; *Provided further*; That all expenditures from the healing arts fee fund for the fiscal year ending June 30, 2023, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the healing arts fee fund for fiscal year 2023.

Medical records maintenance trust fund (105-00-7206-7200)

For the fiscal year ending June 30, 2022.....\$35,000

For the fiscal year ending June 30, 2023.....\$35,000

Sec. 10.

KANSAS STATE BOARD OF COSMETOLOGY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 8(a) of chapter 5 of the 2020 Session Laws of Kansas on the cosmetology fee fund (149-00-2706-0100) of the Kansas state board of cosmetology is hereby decreased from \$1,164,966 to \$1,151,641.

Sec. 11.

KANSAS STATE BOARD OF COSMETOLOGY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Cosmetology fee fund (149-00-2706-0100)

For the fiscal year ending June 30, 2022.....\$1,162,205

*Provided*, That expenditures from the cosmetology fee fund for the fiscal year ending June 30, 2022, for official hospitality shall not exceed \$2,000.

For the fiscal year ending June 30, 2023.....\$1,169,064

*Provided*, That expenditures from the cosmetology fee fund for the fiscal year ending June 30, 2023, for official hospitality shall not exceed \$2,000.

Sec. 12.

STATE DEPARTMENT OF CREDIT UNIONS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 10(a) of chapter 5 of the 2020 Session Laws of Kansas on the credit union fee fund (159-00-2026-0100) of the state department of credit unions is hereby decreased from \$1,284,202 to \$1,265,581.

Sec. 13.

STATE DEPARTMENT OF CREDIT UNIONS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Credit union fee fund (159-00-2026-0100)

For the fiscal year ending June 30, 2022.....\$1,274,367

*Provided*, That expenditures from the credit union fee fund for the fiscal year ending June 30, 2022, for official hospitality shall not exceed \$300.

For the fiscal year ending June 30, 2023.....\$1,274,454

*Provided*, That expenditures from the credit union fee fund for the fiscal year ending June 30, 2023, for official hospitality shall not exceed \$300.

Sec. 14.

KANSAS DENTAL BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Dental board fee fund (167-00-2708-0100)

For the fiscal year ending June 30, 2022.....\$418,500

*Provided*, That expenditures from the dental board fee fund for the fiscal year ending June 30, 2022, for official hospitality shall not exceed \$750.

For the fiscal year ending June 30, 2023..... \$417,000

*Provided*, That expenditures from the dental board fee fund for the fiscal year ending June 30, 2023, for official hospitality shall not exceed \$750.

Special litigation reserve fund (167-00-2749-2000)

For the fiscal year ending June 30, 2022.....No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2022, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2023.....No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2023, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

Sec. 15.

STATE BOARD OF MORTUARY ARTS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than

refunds authorized by law shall not exceed the following:

- Mortuary arts fee fund (204-00-2709-0100)
- For the fiscal year ending June 30, 2022.....\$304,038
- Provided*, That expenditures from the mortuary arts fee fund for the fiscal year ending June 30, 2022, for official hospitality shall not exceed \$500.
- For the fiscal year ending June 30, 2023.....\$308,394
- Provided*, That expenditures from the mortuary arts fee fund for the fiscal year ending June 30, 2023, for official hospitality shall not exceed \$500.

Sec. 16.

KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 22(a) of chapter 68 of the 2019 Session Laws of Kansas on the hearing instrument board fee fund (266-00-2712-9900) of the Kansas board of examiners in fitting and dispensing of hearing instruments is hereby increased from \$26,907 to \$41,907.

Sec. 17.

KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Hearing instrument board fee fund (266-00-2712-9900)
- For the fiscal year ending June 30, 2022.....\$32,188
- For the fiscal year ending June 30, 2023.....\$32,370
- Hearing instrument litigation fund (266-00-2136-2136)
- For the fiscal year ending June 30, 2022.....No limit

*Provided*, That no expenditures shall be made from the hearing instrument litigation fund for the fiscal year ending June 30, 2022, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

- For the fiscal year ending June 30, 2023.....No limit

*Provided*, That no expenditures shall be made from the hearing instrument litigation fund for the fiscal year ending June 30, 2023, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above

agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

Sec. 18.

BOARD OF NURSING

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Board of nursing fee fund (482-00-2716-0200)
  - For the fiscal year ending June 30, 2022.....\$3,037,107
  - Provided*, That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2022, for official hospitality shall not exceed \$500.
  - For the fiscal year ending June 30, 2023.....\$2,882,559
  - Provided*, That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2023, for official hospitality shall not exceed \$500.
- Gifts and grants fund (482-00-7346-4000)
  - For the fiscal year ending June 30, 2022.....No limit
  - For the fiscal year ending June 30, 2023.....No limit
- Education conference fund (482-00-2209-0100)
  - For the fiscal year ending June 30, 2022.....No limit
  - For the fiscal year ending June 30, 2023.....No limit
- Criminal background and fingerprinting fund (482-00-2745-2700)
  - For the fiscal year ending June 30, 2022.....No limit
  - For the fiscal year ending June 30, 2023.....No limit

Sec. 19.

BOARD OF EXAMINERS IN OPTOMETRY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Optometry fee fund (488-00-2717-0100)
  - For the fiscal year ending June 30, 2022.....\$169,599
  - Provided*, That expenditures from the optometry fee fund for the fiscal year ending June 30, 2022, for official hospitality shall not exceed \$600.
  - For the fiscal year ending June 30, 2023.....\$172,118
  - Provided*, That expenditures from the optometry fee fund for the fiscal year ending June 30, 2023, for official hospitality shall not exceed \$600.
- Optometry litigation fund (488-00-2547-2547)
  - For the fiscal year ending June 30, 2022.....No limit
  - Provided*, That no expenditures shall be made from the optometry litigation fund for the fiscal year ending June 30, 2022, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an

objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2023.....No limit

*Provided*, That no expenditures shall be made from the optometry litigation fund for the fiscal year ending June 30, 2023, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

Criminal history fingerprinting fund (488-00-2565-2565)

For the fiscal year ending June 30, 2022.....No limit

For the fiscal year ending June 30, 2023.....No limit

Coronavirus relief fund (488-00-3753)

For the fiscal year ending June 30, 2022.....No limit

For the fiscal year ending June 30, 2023.....No limit

Sec. 20.

STATE BOARD OF PHARMACY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 14(a) of chapter 5 of the 2020 Session Laws of Kansas on the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy is hereby decreased from \$2,472,475 to \$2,052,375.

Sec. 21.

STATE BOARD OF PHARMACY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State board of pharmacy fee fund (531-00-2718-0100)

For the fiscal year ending June 30, 2022.....\$2,565,656

*Provided*, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2022, for official hospitality shall not exceed \$2,000.

For the fiscal year ending June 30, 2023.....\$3,335,613

*Provided*, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2023, for official hospitality shall not exceed \$2,000.

State board of pharmacy litigation fund (531-00-2733-2700)

For the fiscal year ending June 30, 2022.....No limit

*Provided*, That no expenditures shall be made from the state board of pharmacy litigation fund for the fiscal year ending June 30, 2022, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not

contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2023.....No limit

*Provided*, That no expenditures shall be made from the state board of pharmacy litigation fund for the fiscal year ending June 30, 2023, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

Non-federal gifts and grants fund (531-00-7018-7000)

For the fiscal year ending June 30, 2022.....No limit

*Provided*, That the state board of pharmacy is hereby authorized to apply for and to accept grants and may accept donations, bequests or gifts during fiscal year 2022: *Provided, however*; That the board shall remit all moneys received under this proviso to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: *Provided further*; That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the non-federal gifts and grants fund: *And provided further*; That all expenditures from the non-federal gifts and grants fund for fiscal year 2022 shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the state board of pharmacy or a person designated by the president.

For the fiscal year ending June 30, 2023.....No limit

*Provided*, That the state board of pharmacy is hereby authorized to apply for and to accept grants and may accept donations, bequests or gifts during fiscal year 2023: *Provided, however*; That the board shall remit all moneys received under this proviso to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: *Provided further*; That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the non-federal gifts and grants fund: *And provided further*; That all expenditures from the non-federal gifts and grants fund for fiscal year 2023 shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the state board of pharmacy or a person designated by the president.

Prescription drug overdose data-driven prevention initiative – federal fund (531-00-3294-3294)

For the fiscal year ending June 30, 2022.....No limit

For the fiscal year ending June 30, 2023.....No limit

Harold Rogers prescription fund (531-00-3188-3110)

For the fiscal year ending June 30, 2022.....No limit

For the fiscal year ending June 30, 2023.....No limit

Public health crisis response fund

For the fiscal year ending June 30, 2022.....No limit  
 For the fiscal year ending June 30, 2023.....No limit

(b) During the fiscal year ending June 30, 2022, the executive secretary of the state board of pharmacy, with the approval of the director of the budget, may transfer moneys from the state board of pharmacy fee fund (531-00-2718-0100) to the state board of pharmacy litigation fund (531-00-2733-2700) of the state board of pharmacy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2022, shall not exceed \$50,000: *Provided further*, That the executive secretary of the state board of pharmacy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(c) During the fiscal year ending June 30, 2023, the executive secretary of the state board of pharmacy, with the approval of the director of the budget, may transfer moneys from the state board of pharmacy fee fund (531-00-2718-0100) to the state board of pharmacy litigation fund (531-00-2733-2700) of the state board of pharmacy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2023, shall not exceed \$50,000: *Provided further*, That the executive secretary of the state board of pharmacy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(d) On July 1, 2021, October 1, 2021, January 1, 2022, and April 1, 2022, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the state board of healing arts: *Provided*, That upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the healing arts fee fund (105-00-2705-0100) of the state board of healing arts to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further*, That the executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive director of the state board of healing arts: *Provided, however*; That the aggregate amount of such transfers during fiscal year 2022 shall not exceed \$75,000.

(e) On July 1, 2022, October 1, 2022, January 1, 2023, and April 1, 2023, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the state board of healing arts: *Provided*, That upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the healing arts fee fund (105-00-2705-0100) of the state board of healing arts to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further*, That the executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive director of the state board of healing arts: *Provided, however*; That the aggregate amount of such transfers during fiscal year 2023 shall not exceed

\$75,000.

(f) On July 1, 2021, October 1, 2021, January 1, 2022, and April 1, 2022, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the board of nursing: *Provided*, That upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the board of nursing fee fund (482-00-2716-0200) of the board of nursing to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further*; That the executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive administrator of the board of nursing: *Provided, however*; That the aggregate amount of such transfers during fiscal year 2022 shall not exceed \$70,000.

(g) On July 1, 2022, October 1, 2022, January 1, 2023, and April 1, 2023, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the board of nursing: *Provided*, That upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the board of nursing fee fund (482-00-2716-0200) of the board of nursing to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further*; That the executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive administrator of the board of nursing: *Provided, however*; That the aggregate amount of such transfers during fiscal year 2023 shall not exceed \$70,000.

Sec. 22.

REAL ESTATE APPRAISAL BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Appraiser fee fund (543-00-2732-0100)	
For the fiscal year ending June 30, 2022.....	\$340,802
<i>Provided</i> , That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2022, for official hospitality shall not exceed \$500.	
For the fiscal year ending June 30, 2023.....	\$344,867
<i>Provided</i> , That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2023, for official hospitality shall not exceed \$500.	
Federal registry clearing fund (543-00-7752-7000)	
For the fiscal year ending June 30, 2022.....	No limit
For the fiscal year ending June 30, 2023.....	No limit
AMC federal registry clearing fund (543-00-7755-7755)	
For the fiscal year ending June 30, 2022.....	No limit

For the fiscal year ending June 30, 2023.....No limit  
Special litigation reserve fund (543-00-2698-2698)

For the fiscal year ending June 30, 2022.....No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2022, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2023.....No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2023, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

(b) During the fiscal years ending June 30, 2022, and June 30, 2023, the executive director of the real estate appraisal board, with the approval of the director of the budget, may transfer moneys from the appraiser fee fund (543-00-2732-0100) of the real estate appraisal board to the special litigation reserve fund (543-00-2698-2698) of the real estate appraisal board: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2022, and for the fiscal year ending June 30, 2023, shall not exceed \$20,000: *Provided further*, That the executive director of the real estate appraisal board shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 23.

KANSAS REAL ESTATE COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Real estate fee fund (549-00-2721-0100)

For the fiscal year ending June 30, 2022.....\$1,175,955

*Provided*, That expenditures from the real estate fee fund for the fiscal year ending June 30, 2022, for official hospitality shall not exceed \$1,000.

For the fiscal year ending June 30, 2023.....\$1,190,738

*Provided*, That expenditures from the real estate fee fund for the fiscal year ending June 30, 2023, for official hospitality shall not exceed \$1,000.

Real estate recovery revolving fund (549-00-7368-4200)  
 For the fiscal year ending June 30, 2022.....No limit  
 For the fiscal year ending June 30, 2023.....No limit  
 Background investigation fee fund (549-00-2722-2700)  
 For the fiscal year ending June 30, 2022.....No limit  
 For the fiscal year ending June 30, 2023.....No limit  
 Special litigation reserve fund (663-00-2739-0200)  
 For the fiscal year ending June 30, 2022.....No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2022, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2023.....No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2023, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

(b) During the fiscal year ending June 30, 2022, and June 30, 2023, the executive director of the Kansas real estate commission, with the approval of the director of the budget, may transfer moneys from the real estate fee fund (549-00-2721-0100) to the special litigation reserve fund of the Kansas real estate commission: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2022, and for the fiscal year ending June 30, 2023, shall not exceed \$20,000: *Provided further*, That the executive director of the Kansas real estate commission shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 24.

STATE BOARD OF TECHNICAL PROFESSIONS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Technical professions fee fund (663-00-2729-0100)  
 For the fiscal year ending June 30, 2022.....\$786,172

*Provided*, That expenditures from the technical professions fee fund for the fiscal

year ending June 30, 2022, for official hospitality shall not exceed \$1,000.

For the fiscal year ending June 30, 2023.....\$792,091

*Provided*, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2023, for official hospitality shall not exceed \$1,000.

Special litigation reserve fund (663-00-2739-0200)

For the fiscal year ending June 30, 2022.....No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2022, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2023.....No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2023, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

Sec. 25.

STATE BOARD OF VETERINARY EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 20(a) of chapter 5 of the 2020 Session Laws of Kansas on the veterinary examiners fee fund (700-00-2727-1100) of the state board of veterinary examiners is hereby decreased from \$355,328 to \$337,491.

Sec. 26.

STATE BOARD OF VETERINARY EXAMINERS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Veterinary examiners fee fund (700-00-2727-1100)

For the fiscal year ending June 30, 2022.....\$335,971

*Provided*, That expenditures from the veterinary examiners fee fund for the fiscal year ending June 30, 2022, for official hospitality shall not exceed \$700.

For the fiscal year ending June 30, 2023.....\$336,109

*Provided*, That expenditures from the veterinary examiners fee fund for the fiscal year ending June 30, 2023, for official hospitality shall not exceed \$700.

Sec. 27.

GOVERNMENTAL ETHICS COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 22(b) of chapter 5 of the 2020 Session Laws of Kansas on the governmental ethics commission fee fund (247-00-2188-2000) of the governmental ethics commission is hereby increased from \$264,197 to \$270,369. Sec. 28.

GOVERNMENTAL ETHICS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures (247-00-1000-0103)  
For the fiscal year ending June 30, 2022.....\$450,388

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

For the fiscal year ending June 30, 2023.....\$450,388

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Governmental ethics commission fee fund (247-00-2188-2000)  
For the fiscal year ending June 30, 2022.....No limit  
For the fiscal year ending June 30, 2023.....No limit

Sec. 29.

LEGISLATIVE COORDINATING COUNCIL

(a) On the effective date of this act, of the unencumbered balance from the state general fund in the coronavirus response account (422-00-1000-0200), the sum of \$16,678,708 is hereby lapsed.

(b) On the effective date of this act, of the \$4,380,604 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 24(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the legislative research department – operations account (425-00-1000-0103), the sum of \$167,153 is hereby lapsed.

(c) On the effective date of this act, of the \$4,121,467 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 24(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the office of revisor of statutes – operations account (579-00-1000-0103), the sum of \$384,071 is hereby lapsed.

(d) During the fiscal year ending June 30, 2021, notwithstanding the provisions of K.S.A. 75-3765a, and amendments thereto, or any other statute, expenditures shall be made by the above agency from the legislative coordinating council – operations account of the state general fund for fiscal year 2021 for the designation and identification of room 221-E of the state capitol building as a meditation room.

Sec. 30.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Legislative coordinating council – operations (422-00-1000-0100).....\$757,225

*Provided*, That any unencumbered balance in the legislative coordinating council – operations account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That notwithstanding the provisions of K.S.A. 75-3765a, and amendments thereto, or any other statute, expenditures shall be made by the above agency from the legislative coordinating council – operations account of the state general fund for fiscal year 2022 for the designation and identification of room 221-E of the state capitol building as a meditation room.

Legislative research department – operations (425-00-1000-0103).....\$4,546,798

*Provided*, That any unencumbered balance in the legislative research department – operations account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Office of revisor of statutes – operations (579-00-1000-0103).....\$4,241,111

*Provided*, That any unencumbered balance in the office of revisor of statutes – operations account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative research department special revenue fund (425-00-2111-2000).....No limit

(c) During the fiscal year ending June 30, 2022, notwithstanding any other provision of law, this or other appropriation act, no expenditure shall be made from and no obligation shall be incurred against any federal grant or other federal receipt of moneys from the federal government received by the state of Kansas for aid for coronavirus relief until the legislative coordinating council has authorized the requesting state agency to make expenditures therefrom in accordance with this subsection: *Provided*, That the legislative budget committee shall meet and review each such request and shall report such committee's recommendation to the legislative coordinating council: *Provided further*, That, after receiving recommendations from the legislative budget committee, expenditures may be authorized by the legislative coordinating council: *And provided further*, That such requests may be approved by the members of the legislative coordinating council, as provided in K.S.A. 46-1202, and amendments thereto, acting on this matter, which is hereby characterized as a matter of legislative delegation, except that such disbursements and expenditures may also be approved while the legislature is in session: *And provided further*, That the legislative coordinating council is hereby authorized to approve the requests for such purposes: *And provided further*, That upon receipt of such approval by the legislative coordinating council, the requesting state agency is authorized to expend all approved moneys lawfully credited to and available in such fund or funds during the fiscal year ending June 30, 2022.

Sec. 31.

#### LEGISLATIVE COORDINATING COUNCIL

(a) During the fiscal year ending June 30, 2023, notwithstanding the provisions of K.S.A. 75-3765a, and amendments thereto, or any other statute, expenditures shall be made by the above agency from the legislative coordinating council – operations account of the state general fund for fiscal year 2023 for the designation and

identification of room 221-E of the state capitol building as a meditation room.

Sec. 32.

#### LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operations (including official hospitality) (428-00-1000-0103).....\$17,911,128

*Provided*, That any unencumbered balance in the operations (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*; That expenditures may be made from this account, pursuant to vouchers approved by the chairperson or vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212, and amendments thereto, for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a, and amendments thereto, for attendance at meetings of the advisory committee that are authorized by the legislative coordinating council, except that: (1) The legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee; and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: *And provided further*; That expenditures may be made from this account for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: *And provided further*; That no expenditures shall be made from this account for any meeting of any joint committee, or of any subcommittee of any joint committee, chargeable to fiscal year 2022 unless such meeting is approved by the legislative coordinating council: *And provided further*; That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2022: *And provided further*; That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member's first term as legislator during fiscal year 2022: *And provided further*; That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the legislator's name to be printed on one complete set of the Kansas Statutes Annotated during fiscal year 2022: *And provided further*; That, notwithstanding the provisions of K.S.A. 77-165, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and delivering of a set of

the cumulative supplements of the Kansas Statutes Annotated to each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2022: *And provided further*, That, notwithstanding the provisions of K.S.A. 75-1005, and amendments thereto, or any other statute, expenditures may be made from this account to reimburse members of the legislature for expenses incurred in printing correspondence with constituents: *And provided further*, That no expenses shall be reimbursed unless a legislator has first obtained approval for such printing by the director of legislative administrative services: *And provided further*, That such reimbursements shall only be issued after a legislator provides written receipts showing such expense to the director of legislative administrative services: *And provided further*, That the maximum amount reimbursed to any legislator shall be equal to or less than the maximum amount allotted to any legislator for constituent correspondence pursuant to policies adopted by the legislative coordinating council.

Legislative information system (428-00-1000-0300).....\$5,829,366

*Provided*, That any unencumbered balance in the legislative Information system account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative special revenue fund (428-00-2260-2200).....No limit

*Provided*, That expenditures may be made from the legislative special revenue fund, pursuant to vouchers approved by the chairperson or the vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212, and amendments thereto, for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a, and amendments thereto, for attendance at meetings of the advisory committee which are authorized by the legislative coordinating council, except that: (1) The legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee; and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: *Provided further*, That expenditures may be made from this fund for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: *And provided further*, That amounts are hereby authorized to be collected for such services, facilities and supplies in accordance with policies of the council: *And provided further*, That such amounts shall be fixed in order to recover all or part of the expenses incurred for providing such services, facilities and supplies and

shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a, and amendments thereto: *And provided further*; That all such amounts received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the legislative special revenue fund: *And provided further*; That all donations, gifts or bequests of money for the legislative branch of government which are received and accepted by the legislative coordinating council shall be deposited in the state treasury and credited to an account of the legislative special revenue fund: *And provided further*; That no expenditures shall be made from this fund for any meeting of any joint committee, or of any subcommittee of any joint committee, during fiscal year 2022 unless such meeting is approved by the legislative coordinating council: *And provided further*; That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2022: *And provided further*; That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member's first term as legislator during fiscal year 2022: *And provided further*; That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the legislator's name to be printed on one complete set of the Kansas Statutes Annotated during fiscal year 2022: *And provided further*; That, notwithstanding the provisions of K.S.A. 77-165, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and delivering of a set of the cumulative supplements of the Kansas Statutes Annotated to each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2022.

Capitol restoration – gifts and donations fund (428-00-7348-7000).....No limit

(c) As used in this section, "joint committee" includes the joint committee on administrative rules and regulations, health care stabilization fund oversight committee, joint committee on special claims against the state, legislative budget committee, joint committee on state building construction, joint committee on information technology, joint committee on pensions, investments and benefits, joint committee on state-tribal relations, confirmation oversight committee, joint committee on corrections and juvenile justice oversight, compensation commission, joint committee on Kansas security, Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight, capitol restoration commission, capitol preservation committee and any other committee, commission or other body for which expenditures are to be paid from moneys appropriated for the legislature for the expenses of any meeting of any such body or for the expenses of any member thereof.

Sec. 33.

#### DIVISION OF POST AUDIT

(a) On the effective date of this act, of the \$3,099,254 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 27(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-

3722, and amendments thereto, from the state general fund in the operations (including legislative post audit committee) account (540-00-1000-0100), the sum of \$24,889 is hereby lapsed.

Sec. 34.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operations (including legislative post audit committee) (540-00-1000-0100).....\$3,356,162

*Provided*, That any unencumbered balance in the operations (including legislative post audit committee) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Sec. 35.

GOVERNOR'S DEPARTMENT

(a) On the effective date of this act, of the \$2,753,099 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 28(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the governor's department account (252-00-1000-0503), the sum of \$18,883 is hereby lapsed.

Sec. 36.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Governor's department (252-00-1000-0503).....\$2,758,480

*Provided*, That any unencumbered balance in the governor's department account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures may be made from this account for official hospitality and contingencies without limitation at the discretion of the governor.

Domestic violence prevention grants (252-00-1000-0600).....\$4,639,941

*Provided*, That any unencumbered balance in the domestic violence prevention grants account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures may be made from the domestic violence prevention grants account for official hospitality and contingencies without limitation at the discretion of the governor.

Child advocacy centers (252-00-1000-0610).....\$804,948

*Provided*, That any unencumbered balance in the child advocacy centers account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures may be made from the child advocacy centers account for official hospitality and contingencies without limitation at the discretion of the governor.

(b) Expenditures may be made by the above agency for travel expenses of the governor's spouse when accompanying the governor or when representing the governor on official state business, for travel and subsistence expenditures for security personnel when traveling with the governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2022, by subsection (a) from the state general fund in the governor's department account (252-00-1000-0503).

(c) Expenditures may be made by the above agency for travel expenses of the lieutenant governor's spouse when accompanying the lieutenant governor or when representing the lieutenant governor on official state business, for travel and subsistence expenditures for security personnel when traveling with the lieutenant governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2022, by subsection (a) from the state general fund in the governor's department account (252-00-1000-0503).

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Special programs fund (252-00-2149).....No limit  
*Provided*, That expenditures may be made from the special programs fund for operating expenditures for the governor's department, including conferences and official hospitality: *Provided further*, That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the special programs fund.
- Conversion of materials and equipment fund (252-00-2409-0400).....No limit
- Hispanic and Latino American affairs commission – donations fund (252-00-7236-7200).....No limit
- Advisory commission on African-American affairs – donations fund (252-00-7242-7210).....No limit
- Kansas commission on disability concerns fee fund (252-00-2767-2705).....No limit
- Domestic violence grants fund (252-00-2014-2014).....No limit  
*Provided*, That grants made for domestic violence prevention shall be made after consideration of the recommendation of an entity that has been designated by the United States department of health and human services and by the centers for disease control and prevention as the official domestic violence or sexual assault coalition.
- Child advocacy centers grant fund (252-00-2024-2024).....No limit
- Residential substance abuse – federal fund (252-00-3006-3013).....No limit
- Arrest grant – federal fund (252-00-3082-3040).....No limit
- National criminal history improvement program – federal fund (252-00-3189-3195).....No limit
- Violence against women grant – federal fund (252-00-3214-3211).....No limit
- Project safe neighborhood grant federal fund (252-00-3252-3252).....No limit
- Coverdell forensic science improvement – federal fund (252-00-3227-3234).....No limit
- State victim assistance – federal fund (252-00-3250-3250).....No limit
- Crime victim assistance – federal fund (252-00-3260-3260).....No limit
- Access visitation grant – federal fund (252-00-3460-3460).....No limit
- Battered women/family violence prevention – federal fund (252-00-3461-3461).....No limit

Sexual assault services program – federal fund (252-00-3465-3465).....	No limit
Coronavirus relief fund – federal fund (252-00-3753-3753).....	No limit
Edward Byrne justice assistance grants – federal fund (252-00-3757-3763).....	No limit
Prison rape elimination act – federal fund (252-00-3758-3755).....	No limit
John R Justice grant – federal fund (252-00-3802-3802).....	No limit

Sec. 37.

ATTORNEY GENERAL

(a) On the effective date of this act, of the \$78,000 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 30(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in litigation costs account (082-00-1000-0040), the sum of \$50,000 is hereby lapsed.

(b) On the effective date of this act, of the \$4,880,302 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 30(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the operating expenditures account (082-00-1000-0103), the sum of \$129 is hereby lapsed.

(c) On the effective date of this act, of the \$349,999 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 30(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the abuse, neglect and exploitation unit account (082-00-1000-0500), the sum of \$53 is hereby lapsed.

(d) Notwithstanding the provisions of any other statute, during the fiscal year ending June 30, 2021, in addition to the other purposes for which expenditures may be made by the above agency from the tobacco master settlement agreement compliance fund (082-00-2383-2320), expenditures may be made by the above agency from such fund for the purposes of performing the powers, duties and functions pursuant to K.S.A. 75-772, and amendments thereto.

(e) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$460,593 from the Kansas endowment for youth fund (365-00-7000-2000) to the tobacco master settlement agreement compliance fund (082-00-2383-2320) of the attorney general.

(f) During the fiscal year ending June 30, 2021, notwithstanding the provisions of any statute, in addition to the other purposes for which expenditures may be made from the scrap metal theft reduction fee fund for fiscal year 2021 by the attorney general as authorized by chapter 5 of the 2020 Session Laws of Kansas, this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the attorney general from the scrap metal theft reduction fee fund for fiscal year 2021 to reimburse scrap metal dealers, as defined in K.S.A. 50-6,109, and amendments thereto, in the amount of \$1,000 for each year such scrap metal dealers paid registration fees under the scrap metal theft reduction act and such act was not operative and to reimburse such scrap metal dealers for the costs of fingerprinting any such scrap metal dealer prior to July 1, 2020.

(g) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$400,000 from the state general fund to the scrap metal theft reduction fee fund of the attorney general.

Sec. 38.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (082-00-1000-0103).....\$4,310,584  
*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,000.

Litigation costs (082-00-1000-0040).....\$78,000  
*Provided*, That any unencumbered balance in the litigation costs account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Abuse, neglect and exploitation unit (082-00-1000-0500).....\$349,999  
*Provided*, That any unencumbered balance in the abuse, neglect and exploitation unit account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures may be made by the attorney general from the abuse, neglect and exploitation unit account pursuant to contracts with other agencies or organizations to provide services related to the investigation or litigation of findings related to abuse, neglect or exploitation.

Child abuse grants (082-00-1000-0400).....\$67,500  
Child exchange and visitation centers (082-00-1000-0450).....\$115,200  
*Provided*, That notwithstanding the provisions of K.S.A. 74-7334, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2022, the above agency may use moneys in the child exchange and visitation centers account for matching funds.

Protection from abuse (082-00-1000-0900).....\$467,100  
Office of inspector general (082-00-1000-0300).....\$464,282  
*Provided*, That any unencumbered balance in the office of inspector general account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Private detective fee fund (082-00-2029-2029).....No limit  
Court cost fund (082-00-2012-2000).....No limit  
Bond transcript review fee fund (082-00-2254-2300).....No limit  
Conversion of materials and equipment fund (082-00-2405-2040).....No limit  
Attorney general's antitrust special revenue fund (082-00-2506-2050).....No limit  
Private gifts fund (082-00-7300-7000).....No limit  
Medicaid fraud reimbursement fund (082-00-9034-9040).....No limit  
Medicaid fraud control unit (082-00-3060-3080).....No limit  
Attorney general's antitrust suspense fund (082-00-9002-9000).....No limit  
Attorney general's consumer protection clearing fund (082-00-9003-9010)....No limit  
Attorney general's committee on crime prevention fee fund (082-00-2113-2090).....No limit

*Provided*, That expenditures may be made from the attorney general's committee on crime prevention fee fund for operating expenditures directly or indirectly related to

conducting training seminars organized by the attorney general's committee on crime prevention, including official hospitality: *Provided further*, That the attorney general is hereby authorized to fix, charge and collect fees for conducting training seminars organized by the attorney general's committee on crime prevention: *And provided further*; That such fees shall be fixed in order to recover all or part of the direct and indirect operating expenses incurred for conducting such seminars, including official hospitality: *And provided further*; That all fees received for conducting such seminars shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the attorney general's committee on crime prevention fee fund.

Tort claims fund (082-00-2613-2080).....No limit  
 Crime victims compensation fund (082-00-2563-2060).....No limit  
*Provided*, That expenditures from the crime victims compensation fund for state operations shall not exceed \$536,550; *Provided further*; That any expenditures for payment of compensation to crime victims are authorized to be made from this fund regardless of when the claim was awarded.

Crime victims assistance fund (082-00-2598-2070).....No limit  
 Protection from abuse fund (082-00-2239-2030) .....No limit  
 Crime victims grants and gifts fund (082-00-7340-7010).....No limit  
*Provided*, That all private grants and gifts received by the crime victims compensation board shall be deposited to the credit of the crime victims grants and gifts fund.

Kansas attorney general batterer intervention program certification fund (082-00-2103-2103).....No limit  
 Debt collection administration cost recovery fund (082-00-2305-2240).....No limit  
*Provided*, That the attorney general shall deposit in the state treasury to the credit of the debt collection administration cost recovery fund all moneys remitted to the attorney general as administrative costs under contracts entered into pursuant to K.S.A. 75-719, and amendments thereto.

Medicaid fraud prosecution revolving fund (082-00-2641-2280).....No limit  
*Provided*, That all moneys recovered by the medicaid fraud and abuse division of the attorney general's office in the enforcement of state and federal law which are in excess of any restitution for overcharges and interest, including all moneys recovered as recoupment of expenses of investigation and prosecution, shall be deposited in the state treasury to the credit of the medicaid fraud prosecution revolving fund: *Provided further*; That, notwithstanding the provisions of K.S.A. 2020 Supp. 21-5933, and amendments thereto, or any other statute, expenditures may be made from the medicaid fraud prosecution revolving fund for other operating expenditures of the attorney general's office other than for medicaid fraud prosecution costs.

Interstate water litigation fund (082-00-2311-2295).....No limit  
*Provided*, That, in addition to the other purposes authorized by K.S.A. 82a-1802, and amendments thereto, expenditures may be made from the interstate water litigation fund for: (1) Litigation costs for the case of Kansas v. Colorado No. 105, Original in the Supreme Court of the United States, including repayment of past contributions; (2) expenses related to the appointment of a river master or such other official as may be appointed by the Supreme Court to administer, implement or enforce its decree or other orders of the Supreme Court related to this case; and (3) expenses incurred by agencies

of the state of Kansas to monitor actions of the state of Colorado and its water users and to enforce any settlement, decree or order of the Supreme Court related to this case.

Suspense fund (082-00-9112-9030).....	No limit
Children's advocacy center fund (082-00-2654-2610).....	No limit
Abuse, neglect and exploitation of people with disabilities unit grant	
acceptance fund (082-00-2482-2500).....	No limit
Concealed weapon licensure fund (082-00-2450-2400).....	No limit
Tobacco master settlement agreement compliance fund (082-00-2383-2320).....	No limit
Sexually violent predator expense fund (082-00-2379-2310).....	No limit
County law enforcement equipment fund (082-00-2470-2470).....	No limit
Child exchange and visiting centers fund (082-00-2579-2250).....	No limit
Roofing contractor registration fund (082-00-2774-2774).....	No limit
State medicaid fraud control unit – federal fund (082-00-3060-3060).....	No limit
Com def sol – violence against women federal fund (082-00-3082-3082).....	No limit
Crime victims compensation federal fund (082-00-3133-3020).....	No limit
Ed Byrne state/local law enforcement federal fund (082-00-3213-3213).....	No limit
Violence against women – ARRA federal fund (082-00-3214-3212).....	No limit
Comm prsct/project safe neighborhood federal fund (082-00-3217-3217).....	No limit
Public safety prtnt/comm pol fund (082-00-3218-3218).....	No limit
Anti-gang initiative federal fund (082-00-3229-3229).....	No limit
Alcohol impaired driving cntrmsr federal fund (082-00-3247-3247).....	No limit
Children's justice grant federal fund (082-00-3381-3381).....	No limit
Sexual assault kit initiative federal fund (082-00-3416-3416).....	No limit
Ed Byrne memorial JAG – ARRA federal fund (082-00-3455-3455).....	No limit
Medicaid indirect cost federal fund (082-00-3919-3919).....	No limit
Federal forfeiture fund (082-00-3940-3940).....	No limit
SSA fraud prevention federal fund (082-00-2174-2175).....	No limit
False claims litigation revolving fund (082-00-2650-2600).....	No limit
<i>Provided</i> , That expenditures may be made from the false claims litigation revolving	
fund for costs associated with litigation under the Kansas false claims act, K.S.A. 75-	
7501 et seq., and amendments thereto.	
Ed Byrne memorial justice assistance grant	
federal fund (082-00-3057-3057).....	No limit
911 state maintenance fund (082-00-2747-2447).....	No limit
DOT prohibit racial profiling (082-00-3566-3566).....	No limit
Human trafficking victim assistance fund (082-00-2775-2775).....	No limit
Criminal appeals cost fund (082-00-2779-2779).....	No limit
Attorney general's open government fund (082-00-2497-2497).....	No limit
Scrap metal theft reduction fee fund (082-00-2085-2100).....	No limit
Bail enforcement agents fee fund (082-00-2259-2259).....	No limit
Fraud and abuse criminal prosecution fund (082-00-2262-2262).....	No limit
Attorney general's state agency representation fund.....	No limit
State medicaid fraud forfeiture fund.....	No limit

(c) During the fiscal year ending June 30, 2022, grants made pursuant to K.S.A. 74-7325, and amendments thereto, from the protection from abuse fund (082-00-2239-2030) and grants made pursuant to K.S.A. 74-7334, and amendments thereto, from the crime victims assistance fund (082-00-2598-2070) shall be made after consideration of

the recommendation of an entity that has been designated by the United States department of health and human services and by the centers for disease control as the official domestic violence or sexual assault coalition.

(d) During the fiscal year ending June 30, 2022, the attorney general, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2022 from the state general fund for the attorney general to another item of appropriation for fiscal year 2022 from the state general fund for the attorney general. The attorney general shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000 from the state general fund to the sexually violent predator expense fund (082-00-2379-2310) of the attorney general.

(f) Notwithstanding the provisions of any other statute, during the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from the tobacco master settlement agreement compliance fund (082-00-2383-2320), expenditures may be made by the above agency from such fund for the purposes of performing the powers, duties and functions pursuant to K.S.A. 75-772, and amendments thereto.

(g) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$460,593 from the Kansas endowment for youth fund (365-00-7000-2000) to the tobacco master settlement agreement compliance fund (082-00-2383-2320) of the attorney general.

(h) Notwithstanding the provisions of K.S.A. 2020 Supp. 75-7c05, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the attorney general from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 by this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys to fix, charge and collect a nonrefundable fee for the purpose of obtaining a concealed carry handgun license of \$112, if the applicant has not previously been issued a statewide license or if the applicant's license has permanently expired, which fee shall be in the form of two cashier's checks, personal checks or money orders of \$32.50 payable to the sheriff of the county where the applicant resides and \$79.50 payable to the attorney general.

Sec. 39.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Cemetery and funeral audit fee fund (622-00-2225-2100).....No limit
- HAVA ELVIS fund (622-00-2353-2150).....No limit
- Conversion of materials and equipment fund (622-00-2418-2200).....No limit
- Information and services fee fund (622-00-2430-2300).....No limit

*Provided*, That expenditures from the information and services fee fund for official hospitality shall not exceed \$2,533.

State register fee fund (622-00-2619-2500).....	No limit
Uniform commercial code fee fund (622-00-2664-2600).....	No limit
State flag and banner fund (622-00-5130-4600).....	No limit
Secretary of state fee refund fund (622-00-9047-9100).....	No limit
Electronic voting machine examination fund (622-00-9101-9200).....	No limit
Credit card clearing fund (622-00-9434-9400).....	No limit
Suspense fund (622-00-9046-9000).....	No limit
Prepaid services fund (622-00-9114-9300).....	No limit
Athlete agent registration fee fund (622-00-2674-2700).....	No limit
Democracy fund (622-00-2702-2400).....	No limit

*Provided*, That all expenditures from the democracy fund shall be to provide matching funds to implement title II of the federal help America vote act of 2002, public law 107-252, as prescribed under that act.

Technology communication fee fund (622-00-2672-2900).....	No limit
Help America vote act federal fund (622-00-3091).....	No limit
HAVA title I federal fund (622-00-3283-3283).....	No limit
HAVA election security fraud 2018 (622-00-3956-3956).....	No limit

(b) During the fiscal year ending June 30, 2022, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from any special revenue fund or funds for fiscal year 2022 by the above agency by this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such special revenue fund or funds to provide a report to the house appropriations committee and the senate ways and means committee detailing the costs of publication in a newspaper in each county pursuant to K.S.A. 64-103, and amendments thereto, of any constitutional amendment that is introduced by the legislature during the 2022 regular session of the legislature and detailing costs to local units of governments for conducting elections that include proposed constitutional amendments.

(c) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$3,085 from the state general fund to the HAVA election security 2020 state match account of the democracy fund (622-00-2702) of the secretary of state.

(d) On or before the 10<sup>th</sup> day of each month commencing July 1, 2021, during fiscal year 2022, the director of accounts and reports shall transfer from the state general fund to the democracy fund interest earnings based on:

- (1) The average daily balance of moneys in the democracy fund for the preceding month; and
- (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 40.

SECRETARY OF STATE

(a) During the fiscal year ending June 30, 2023, pursuant to K.S.A. 64-103(b), and amendments thereto, after publication of resolutions making propositions to amend the constitution, the secretary of state shall certify the amount of moneys expended on such publication and shall transmit a copy of such certification to the director of accounts and reports. Upon such receipt of such certification, the director of accounts and reports shall transfer an amount of moneys equal to such certified amounts from the state

general fund to the information services fee fund of the secretary of state and shall transmit a notification of such transfer to the director of legislative research and the director of the budget.

Sec. 41.

STATE TREASURER

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 34(a) of chapter 5 of the 2020 Session Laws of Kansas on the state treasurer operating fund (670-00-2374-2300) of the state treasurer is hereby decreased from \$1,726,906 to \$1,707,829.

(b) Notwithstanding any provision of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, or any other statute, on June 30, 2021, the director of accounts and reports shall transfer to the state general fund any remaining unencumbered balance in the state treasurer operating fund exceeding \$100,000.

Sec. 42.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State treasurer operating fund (670-00-2374-2300).....\$1,696,618

*Provided*, That, notwithstanding the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, or any other statute, of all the moneys received under the uniform unclaimed property act during fiscal year 2022, the state treasurer is hereby authorized and directed to credit the first amount equal to the expenditure limitation approved by this or other appropriation act of the legislature received and deposited in the state treasury to the state treasurer operating fund: *Provided further*, Notwithstanding any provision of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, or any other statute, on June 30, 2022, the director of accounts and reports shall transfer to the state general fund any remaining unencumbered balance in the state treasurer operating fund exceeding \$100,000: *And provided further*, That, after such aggregate amount has been credited to the state treasurer operating fund, then all of the moneys received under the uniform unclaimed property act during fiscal year 2022 shall be credited as prescribed under the uniform unclaimed property act: *And provided further*, That all moneys credited to the state treasurer operating fund during fiscal year 2022 are to reimburse the state treasurer for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed to administer the provisions of the uniform unclaimed property act that are not otherwise reimbursed under any other provision of law.

Fiscal agency fund (670-00-7754-6400).....No limit  
Bond services fee fund (670-00-2061-2500).....No limit  
City bond finance fund (670-00-7654).....No limit  
Local ad valorem tax reduction fund (670-00-7394-4800).....No limit  
County and city revenue sharing fund (670-00-7395-4900).....No limit  
Suspense fund (670-00-9054-9000).....No limit  
County and city retailers' sales tax fund (670-00-7608-6000).....No limit  
County and city compensating use tax fund (670-00-7667-6200).....No limit

Local alcoholic liquor fund (670-00-7665-6100).....	No limit
Local alcoholic liquor equalization fund (670-00-7759-6500).....	No limit
Unclaimed property claims fund (670-00-7758-7700).....	No limit
Unclaimed property expense fund (670-00-2362-2200).....	No limit
<i>Provided</i> , That expenditures from the unclaimed property expense fund for official hospitality shall not exceed \$2,000.	
County and city transient guest tax fund (670-00-7602-6600).....	No limit
Racing admissions tax fund (670-00-7670-6300).....	No limit
Rental motor vehicle excise tax fund (670-00-7681-6800).....	No limit
Transportation development district sales tax fund (670-00-7601-7000).....	No limit
Redevelopment bond fund (670-00-7683-6900).....	No limit
Special qualified industrial manufacturer fund (670-00-9525-9525).....	No limit
Kansas postsecondary education savings program trust fund (670-00-7241-7100).....	No limit
Kansas postsecondary education savings expense fund (670-00-2096-2000).....	No limit
Conversion of materials and equipment fund (670-00-2461-2700).....	No limit
Tax increment financing revenue replacement fund (670-00-7391-4700).....	No limit
Spirit bonds fund (670-00-9515-9515).....	No limit
<i>Provided</i> , That, on the 15 <sup>th</sup> day of each month that commences during fiscal year 2022, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 74-50,136, and amendments thereto, and for which the Spirit bonds fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: <i>Provided further</i> , That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the Spirit bonds fund: <i>And provided further</i> , That, on or before the 10 <sup>th</sup> day of each month commencing during fiscal year 2022, the director of accounts and reports shall transfer from the state general fund to the Spirit bonds fund interest earnings based on: (1) The average daily balance of moneys in the Spirit bonds fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: <i>And provided further</i> , That the moneys credited to the Spirit bonds fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the Spirit bonds fund to the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 74-50,136, and amendments thereto.	
Business machinery and equipment tax reduction assistance fund (670-00-7684-7680).....	\$0
Telecommunications and railroad machinery and equipment tax reduction assistance fund (670-00-7685-7690).....	\$0
Community improvement district sales tax fund (670-00-7610-7650).....	No limit
Special economic revitalization fund (670-00-9520-9520).....	No limit
Bioscience development and investment fund (670-00-9510-9510).....	No limit
KS ABLE savings expense fund (670-00-2177-2177).....	No limit

Other federal grants fund.....No limit

(b) During the fiscal year ending June 30, 2022, notwithstanding the provisions of K.S.A. 75-1514, and amendments thereto, or any other statute, the commissioner of insurance shall remit all moneys received by the commissioner under K.S.A. 75-1508, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: *Provided*, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury: *Provided, however*, That, for each such remittance deposited in the state treasury during fiscal year 2022, the state treasurer shall not credit such deposit pursuant to K.S.A. 75-1514, and amendments thereto, but shall credit such deposit in accordance with the provisions of this subsection: *Provided further*, That the state treasurer shall credit 10% of each such deposit to the state general fund and the state treasurer shall credit the remainder of each such deposit as follows: (1) The amount equal to 64% of the remainder of such deposit shall be credited to the fire marshal fee fund (234-00-2330-2000) of the state fire marshal; (2) the amount equal to 20% of the remainder of such deposit shall be credited to the emergency medical services board operating fund (206-00-2326-4000) of the emergency medical services board; and (3) the amount equal to 16% of the remainder of such deposit shall be credited to the fire service training program fund (682-00-2123-2170) of the university of Kansas: *And provided further*, That the amount of each such deposit that is credited to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state fire marshal, the emergency medical services board, and the fire service training program of the university of Kansas by other state agencies which receive appropriations from the state general fund to provide such services: *And provided further*, That, whenever in fiscal year 2022 the aggregate amount that the 10% credit to the state general fund prescribed by this subsection is equal to \$100,000, then: (1) The provisions of this subsection prescribing the 10% credit to the state general fund no longer shall apply to moneys received pursuant to K.S.A. 75-1508, and amendments thereto; and (2) for the remainder of fiscal year 2022, the state treasurer shall credit the full 100% so received of each such deposit as follows: (A) The amount equal to 64% of such deposit shall be credited to the fire marshal fee fund of the state fire marshal; (B) the amount equal to 20% of such deposit shall be credited to the emergency medical services board operating fund of the emergency medical services board; and (C) the amount equal to 16% of such deposit shall be credited to the fire service training program fund of the university of Kansas.

(c) Notwithstanding the provisions of K.S.A. 75-648, and amendments thereto, or any other statute, on July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000 from the Kansas postsecondary education savings expense fund (670-00-2096-2000) of the state treasurer to the KS ABLE savings expense fund (670-00-2177-2177) of the state treasurer.

Sec. 43.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other

than refunds authorized by law shall not exceed the following:

Insurance department service regulation fund (331-00-2270-2400).....No limit  
*Provided*, That expenditures from the insurance department service regulation fund for official hospitality shall not exceed \$2,500.

Insurance company examination fund (331-00-2055-2000).....No limit  
Insurance company annual statement examination fund (331-00-2056-2100). No limit  
Insurance company examiner training fund (331-00-2057-2200).....No limit  
Workers compensation fund (331-00-7354-7000).....No limit  
*Provided*, That expenditures from the workers compensation fund for attorney fees and other costs and benefit payments may be made regardless of when services were rendered or when the initial award of benefits was made.

State firefighters relief fund (331-00-7652-7130).....No limit  
Insurance company tax and fee refund fund (331-00-9017-9100).....No limit  
Group-funded workers' compensation pools fee fund (331-00-7374-7120).....No limit  
Municipal group-funded pools fee fund (331-00-7356-7100).....No limit  
Uninsurable health insurance plan fund (331-00-2328-2500).....No limit  
Private grants and gifts fund (331-00-7301-7301).....No limit  
Insurance education and training fund (331-00-2367-2600).....No limit  
*Provided*, That expenditures may be made from the insurance education and training fund for training programs and official hospitality: *Provided further*; That the insurance commissioner is hereby authorized to fix, charge and collect fees for such training programs: *And provided further*; That fees for such training programs shall be fixed in order to collect all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*; That all fees received for such training programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the insurance education and training fund.

Monumental life settlement fund (331-00-7360-7360).....No limit  
*Provided*, That all expenditures from the monumental life settlement fund shall be made for scholarship purposes: *Provided further*; That the scholarship recipients shall be African-American students who are currently enrolled and are attending an accredited higher education institution in the state of Kansas and who have designated a major in mathematics, computer science or business.

Fines and penalties fund (331-00-2351-2510).....No limit  
*Provided*, That, notwithstanding the provisions of K.S.A. 40-2606, and amendments thereto, or any other statute, all moneys received during fiscal year 2022 for penalties imposed pursuant to K.S.A. 40-2606, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the fines and penalties fund.

Settlements fund (331-00-2523-2520).....No limit  
*Provided*, That moneys may be transferred or otherwise credited to the settlements fund as the result of or pursuant to court orders under K.S.A. 40-3644, and amendments thereto, court-ordered settlements, or legislative authority: *Provided further*; That expenditures from the settlements fund shall be made for the purpose of providing consumer education and outreach or for costs that the insurance department may incur in closeout of any troubled insurance company matters.

Professional employer organization fee fund (331-00-2678-2678).....No limit

Pharmacy benefits manager registration fund (331-00-2665-2665).....No limit  
 Securities act fee fund (331-00-2162-0100).....\$3,416,292  
*Provided*, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2022, for official hospitality shall not exceed \$2,000.

Investor education and protection fund (331-00-2242-2240).....No limit  
*Provided*, That expenditures from the investor education and protection fund for the fiscal year ending June 30, 2022, for official hospitality shall not exceed \$5,000.

Captive insurance regulatory and supervision fund.....No limit

(b) In addition to the other purposes for which expenditures may be made by the insurance department from the insurance company examination fund (331-00-2055-2000) for fiscal year 2022 as authorized by K.S.A. 40-223, and amendments thereto, notwithstanding the provisions of K.S.A. 40-223, and amendments thereto, or any other statute, expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2022 for the examination of annual statements filed with the commissioner of insurance, regardless of when the services were rendered, when the expenses were incurred or when any claim was submitted or processed for payment and regardless of whether or not the services were rendered or the expenses were incurred prior to the effective date of this act.

(c) On July 1, 2021, the director of accounts and reports shall transfer all moneys in the insurance department rehabilitation and repair fund (331-00-2887) to the insurance department service regulation fund (331-00-2270). On July 1, 2021, all liabilities of the insurance department rehabilitation and repair fund (331-00-2887) are hereby transferred to and imposed on the insurance department service regulation fund (331-00-2270) and the insurance department rehabilitation and repair fund (331-00-2887) is hereby abolished.

(d) On July 1, 2021, the director of accounts and reports shall transfer all moneys in the HHS rate review grant – federal fund (331-00-3505) to the insurance department service regulation fund (331-00-2270). On July 1, 2021, all liabilities of the HHS rate review grant – federal fund (331-00-3505) are hereby transferred to and imposed on the insurance department service regulation fund (331-00-2270) and the HHS rate review grant – federal fund (331-00-3505) is hereby abolished.

(e) On July 1, 2021, the director of accounts and reports shall transfer all moneys in the HHS consumer assistance grant – federal fund (331-00-3555) to the insurance department service regulation fund (331-00-2270). On July 1, 2021, all liabilities of the HHS consumer assistance grant – federal fund (331-00-3555) are hereby transferred to and imposed on the insurance department service regulation fund (331-00-2270) and the HHS consumer assistance grant – federal fund (331-00-3555) is hereby abolished.

(f) On July 1, 2021, the director of accounts and reports shall transfer all moneys in the HHS exchange planning & establishment grant – federal fund (331-00-3556) to the insurance department service regulation fund (331-00-2270). On July 1, 2021, all liabilities of the HHS exchange planning & establishment grant – federal fund (331-00-3556) are hereby transferred to and imposed on the insurance department service regulation fund (331-00-2270) and the HHS exchange planning & establishment grant – federal fund (331-00-3556) is hereby abolished.

Sec. 44.

HEALTH CARE STABILIZATION FUND BOARD OF GOVERNORS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Conference fee fund (270-00-2453-2453).....No limit
- Health care stabilization fund (270-00-7404-2000).....No limit

(b) Expenditures from the health care stabilization fund for the fiscal year ending June 30, 2022, other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

- Operating expenditures (270-00-7404-2100).....No limit
  - Provided*, That expenditures may be made from the operating expenditures account for official hospitality.
  - Legal services and other claims expenses (270-00-7404-2300).....No limit
  - Claims and benefits (270-00-7404-2400).....No limit
- Sec. 45.

POOLED MONEY INVESTMENT BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Municipal investment pool fund (671-00-7537-7000).....No limit
- Pooled money investment portfolio fee fund (671-00-2319-2000).....No limit

*Provided*, That, on or before the fifth day of each month of the fiscal year ending June 30, 2022, the state treasurer shall certify to the pooled money investment board an accounting of the banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during such month: *Provided further*, That, prior to the 10<sup>th</sup> day of each month during the fiscal year ending June 30, 2022, the pooled money investment board shall review the certification from the state treasurer and shall make expenditures from the pooled money investment portfolio fee fund (671-00-2319-2000) to pay the amount of banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during the second preceding month, as determined by the pooled money investment board: *And provided further*, That expenditures from the pooled money investment portfolio fee fund for official hospitality shall not exceed \$800.

Sec. 46.

JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Judicial council fund (349-00-2127-2100).....No limit
- Grants and gifts fund (349-00-7326-7000).....No limit

*Provided*, That all private grants and gifts received by the judicial council, other than moneys received as grants, gifts or donations for the preparation, publication or distribution of legal publications, shall be deposited to the credit of the grants and gifts fund.

Publications fee fund (349-00-2297-2000).....No limit  
 Coronavirus relief fund (349-00-3753-3772).....No limit  
 Sec. 47.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) On the effective date of this act, of the \$2,760,665 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 41(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the litigation support account (328-00-1000-0510), the sum of \$1,877,651 is hereby lapsed.

(b) On the effective date of this act, of the \$14,043,264 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 41(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the operating expenditures account (328-00-1000-0603), the sum of \$511,427 is hereby lapsed.

(c) On the effective date of this act, of the \$14,639,335 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 41(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the assigned counsel expenditures account (328-00-1000-0700), the sum of \$3,228,319 is hereby lapsed.

(d) On the effective date of this act, of the \$3,104,114 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 41(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the capital defense operations account (328-00-1000-0800), the sum of \$790,935 is hereby lapsed.

Sec. 48.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (328-00-1000-0603).....\$18,057,609

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures for indigents' defense services are authorized to be made from the operating expenditures account regardless of when services were rendered: *Provided further*; That expenditures may be made from the operating expenditures account for negotiated contracts for malpractice insurance for public defenders and deputy or assistant public defenders: *And provided further*; That all contracts for malpractice insurance for public defenders and deputy or assistant public defenders shall be negotiated and purchased by the state board of indigents' defense services, shall not be subject to approval or purchase by the committee on surety bonds and insurance under K.S.A. 75-4114 and 75-6111, and amendments thereto, and shall not be subject to the provisions of K.S.A. 75-3739, and amendments thereto.

Assigned counsel expenditures (328-00-1000-0700).....\$13,239,335

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2021, in the assigned counsel expenditures account is hereby reappropriated for fiscal year 2022: *Provided further*; That expenditures for indigents' defense services are authorized to be made from the assigned counsel expenditures account regardless of when services were rendered.

Capital defense operations (328-00-1000-0800).....\$3,104,114

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2021, in the capital defense operations account is hereby reappropriated for fiscal year 2022: *Provided further*; That expenditures for indigents' defense services are authorized to be

made from the capital defense operations account regardless of when services were rendered.

Legal services for prisoners (328-00-1000-0500).....\$289,592  
 Indigents' defense services operations (328-00-1000-0610).....\$156,847

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2021, in the indigents' defense services operations account is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures may be made from the indigents' defense services operations account for the purpose of assigned counsel and other professional services related to contract cases.

Litigation support (328-00-1000-0510).....\$2,760,665

*Provided*, That any unencumbered balance in the litigation support account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Capital litigation training grant fund (328-00-3211-3211).....No limit  
 Indigents' defense services fund (328-00-2119-2000).....No limit

*Provided*, That expenditures may be made from the indigents' defense services fund for the purpose of assigned counsel and other professional services related to contract cases.

Inservice education workshop fee fund (328-00-2186-2100).....No limit

*Provided*, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: *Provided further*, That the state board of indigents' defense services is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further*, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

(c) During the fiscal year ending June 30, 2022, the executive director of the state board of indigents' defense services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2022, from the state general fund for the state board of indigents' defense services to any other item of appropriation for fiscal year 2022 from the state general fund for the state board of indigents' defense services. The executive director shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) In addition to the other purposes for which expenditures may be made by the state board of indigents' defense services from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 as authorized by this act or other appropriation act of the 2021 regular session of the legislature, expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 to classify public defenders based on the level of cases such public defenders are

assigned.  
Sec. 49.

JUDICIAL BRANCH

(a) On the effective date of this act, of the \$112,056,817 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 42(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the judiciary operations account (677-00-1000), the sum of \$525,289 is hereby lapsed.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2021, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State and community highway safety –  
federal fund (677-00-3815-3815).....No limit  
Sec. 50.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Judiciary operations (677-00-1000).....\$114,356,817

*Provided*, That any unencumbered balance in the judiciary operations account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That contracts for computer input of judicial opinions and all purchases thereunder shall not be subject to the provisions of K.S.A. 75-3739, and amendments thereto: *And provided further*, That expenditures may be made from the judiciary operations account for contingencies without limitation at the discretion of the chief justice: *And provided further*, That expenditures from the judiciary operations account for such contingencies shall not exceed \$25,000: *And provided further*, That expenditures from the judiciary operations account for official hospitality shall not exceed \$4,000: *And provided further*, That expenditures shall be made from the judiciary operations account for the travel expenses of panels of the court of appeals for travel to cities across the state to hear appealed cases.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Library report fee fund (677-00-2106-2000).....No limit  
State and community highway safety –  
federal fund (677-00-3815-3815).....No limit  
Judiciary technology fund (677-00-2272-1800).....No limit  
Dispute resolution fund (677-00-2126-3500).....No limit  
Judicial branch education fund (677-00-2324-1900).....No limit

*Provided*, That expenditures may be made from the judicial branch education fund to provide services and programs for the purpose of educating and training judicial branch officers and employees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto, educating and training municipal judges and municipal court support staff, and for the planning and implementation of a family court system, as provided by law, including official hospitality: *Provided further*, That the judicial administrator is hereby authorized to fix,

charge and collect fees for such services and programs: *And provided further*, That such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: *And provided further*, That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the judicial branch education fund.

Child welfare federal grant fund (677-00-3942-3300).....	No limit
Child support enforcement contractual agreement fund (677-00-2681-2400).....	No limit
SJI grant fund (677-00-2714-2714).....	No limit
Bar admission fee fund (677-00-2724-2500).....	No limit
Permanent families account – family and children investment fund (677-00-7317-7000).....	No limit
Duplicate law book fund (677-00-2543-2300).....	No limit
Court reporter fund (677-00-2725-2600).....	No limit
Access to justice fund (677-00-2169-2100).....	No limit
Judicial branch nonjudicial salary initiative fund (677-00-2229-2800).....	No limit
Judicial branch nonjudicial salary adjustment fund (677-00-2389-3200).....	No limit
Federal grants fund (677-00-3082-3100).....	No limit
District magistrate judge supplemental compensation fund (677-00-2398-2390).....	No limit
Correctional supervision fund (677-00-2465-2465).....	No limit
Violence against women grant fund – ARRA (677-00-3214-3214).....	No limit
Judicial branch docket fee fund (677-00-2158-2158).....	No limit
Electronic filing and management fund (677-00-2791-2791).....	No limit
Coronavirus emergency supplemental fund (677-00-3671-3671).....	No limit
Coronavirus relief fund (677-00-3753).....	No limit

(c) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$225,000 from the Kansas endowment for youth fund (365-00-7000-2000) to the permanent families account – family and children investment fund (677-00-7317-7000) of the judicial branch.

Sec. 51.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas public employees retirement fund (365-00-7002-7000).....	No limit
<i>Provided</i> , That no expenditures may be made from the Kansas public employees retirement fund other than for benefits, investments, refunds authorized by law, and other purposes specifically authorized by this or other appropriation act.	
Kansas public employees deferred compensation fees fund (365-00-2376).....	No limit
Group insurance reserve fund (365-00-7358-9200).....	No limit
Optional death benefit plan reserve fund (365-00-7357-9100).....	No limit
Kansas endowment for youth fund (365-00-7000-2000).....	No limit

Senior services trust fund (365-00-7550-7600).....No limit  
 Family and children endowment account – family and children  
 investment fund (365-00-7010-4000).....No limit  
 Non-retirement administration fund (365-00-2277).....No limit

*Provided*, That the executive officer of the Kansas public employees retirement system shall certify to the director of accounts and reports the amount of moneys to transfer from the Kansas endowment for youth fund (365-00-7000-2000), the senior services trust fund (365-00-7550-7600), the family and children endowment account – family and children investment fund (365-00-7010-4000) and the unclaimed property account (670-00-7758-7700) of the state general fund for the purpose of reimbursing the costs of non-retirement-related administrative activities and investment-related expenses for managing such funds in accordance with K.S.A. 74-4909b, and amendments thereto.

Coronavirus relief fund (365-00-3753).....No limit

(b) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund (365-00-7002-7000) for the fiscal year ending June 30, 2022, for the following specified purposes:

Agency operations (365-00-7002-7400).....\$22,423,549

*Provided*, That expenditures from the agency operations account may be made for official hospitality.

Investment-related expenses (365-00-7002-8000).....No limit

(c) On July 1, 2021, notwithstanding the provisions of K.S.A. 38-2102, and amendments thereto, the amount prescribed by K.S.A. 38-2102(d)(4), and amendments thereto, to be transferred on July 1, 2021, by the director of accounts and reports from the Kansas endowment for youth fund to the children's initiatives fund is hereby increased to \$51,712,812.

Sec. 52.

KANSAS HUMAN RIGHTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (058-00-1000-0103).....\$1,036,042

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$200: *Provided further*, That expenditures for mediation services contracted with Kansas legal services shall be made only upon certification by the executive director of the human rights commission to the director of accounts and reports that private moneys are available to match the expenditure of state moneys on a \$1 of private moneys to \$3 of state moneys basis.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State and local fair employment practices –  
 federal fund (058-00-3016-3000).....No limit  
 Conversion of materials and equipment fund (058-00-2404-1300).....No limit  
 Education and training fund (058-00-2282-2000).....No limit

*Provided*, That expenditures may be made from the education and training fund for operating expenditures for the commission's education and training programs for the general public, including official hospitality: *Provided further*; That the executive director is hereby authorized to fix, charge and collect fees for such programs: *And provided further*; That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*; That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the education and training fund.

Sec. 53.

STATE CORPORATION COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Public service
- regulation fund (143-00-2019-0100).....No limit
- Motor carrier license fees fund (143-00-2812-5500).....No limit
- Conservation fee fund (143-00-2130-2000).....No limit

*Provided*, That any expenditure made from the conservation fee fund for plugging abandoned wells, cleanup of pollution from oil and gas activities and testing of wells shall be in addition to any expenditure limitation imposed on this fund: *Provided further*; That expenditures may be made from this fund for debt collection and set-off administration: *And provided further*; That a percentage of the fees collected, not to exceed 27%, shall be transferred from the conservation fee fund to the accounting services recovery fund (173-00-6105-4010) of the department of administration for services rendered in collection efforts: *And provided further*; That all expenditures made from the conservation fee fund for debt collection and set-off administration shall be in addition to any expenditure limitation imposed on this fund: *And provided further*; That the state corporation commission shall include as part of the fiscal year 2022 budget estimates for the state corporation commission submitted pursuant to K.S.A. 75-3717, and amendments thereto, a three-year projection of receipts to and expenditures from the conservation fee fund for fiscal years 2022, 2023 and 2024.

- Natural gas underground storage fee fund (143-00-2181-2120).....No limit
- Gas pipeline inspection fee fund (143-00-2023-1100).....No limit
- Special one-call – federal fund (143-00-3477-3477).....No limit
- Abandoned oil and gas well fund (143-00-2143-2100).....No limit
- Gas pipeline safety program – federal fund (143-00-3632-3000).....No limit
- Underground injection control class II – federal fund (143-00-3768-3700).....No limit
- One call – federal fund (143-00-3633-3120).....No limit
- Inservice education workshop fee fund (143-00-2316-2300).....No limit

*Provided*, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences conducted by the state corporation commission for staff and members of the state corporation commission: *Provided further*; That the state corporation commission is hereby authorized to fix, charge and collect fees for such

inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for conducting such inservice workshops and conferences: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Unified carrier registration clearing fund (143-00-9062-9100).....	No limit
Credit card clearing fund (143-00-9401-9400).....	No limit
Suspense fund (143-00-9007-9000).....	No limit
Well plugging assurance fund (143-00-2180-2110).....	No limit
Facility conservation improvement program fund (000-00-2432-2400).....	No limit
Energy grants management fund (000-00-2667-4000).....	No limit
Energy conservation plan – federal fund (000-00-3682-3500).....	No limit
Energy efficiency revolving loan program – ARRA federal fund (000-00-3161-3160).....	No limit

*Provided*, That expenditures may be made from the energy efficiency revolving loan program – ARRA federal fund for the energy efficiency revolving loan program pursuant to vouchers approved by the chairperson of the state corporation commission or by a person or persons designated by the chairperson: *Provided further*, That the state corporation commission is hereby authorized to establish the energy efficiency revolving loan program for the purpose of making loans for energy conservation and other energy-related activities: *And provided further*, That loans under such program shall be made at an interest rate established by the state corporation commission: *And provided further*, That the state corporation commission is hereby authorized to enter into contracts with other state agencies and with persons, as may be necessary, to administer the energy efficiency revolving loan program: *And provided further*, That any person who agrees to receive money from the energy efficiency revolving loan program – ARRA federal fund shall enter into an agreement requiring such person to submit a written report to the state corporation commission detailing and accounting for all expenditures and receipts related to the use of the moneys received from the energy efficiency revolving loan program – ARRA federal fund: *And provided further*, That moneys repaid to the energy efficiency revolving loan program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the energy efficiency revolving loan program – ARRA federal fund: *And provided further*, That, on or before the 10<sup>th</sup> day of each month, the director of accounts and reports shall transfer from the state general fund to the energy efficiency revolving loan program – ARRA federal fund interest earnings based on: (1) The average daily balance of repaid moneys in the energy efficiency revolving loan program – ARRA federal fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(b) Expenditures for the fiscal year ending June 30, 2022, by the state corporation commission from the conservation fee fund (143-00-2130-2000) or the abandoned oil and gas well fund (143-00-2143-2100) may be made for the service of independent on-site supervision of well plugging contracts: *Provided*, That all such expenditures from the conservation fee fund or the abandoned oil and gas well fund for the purpose of plugging of abandoned oil and gas wells during fiscal year 2022 shall be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto, and

shall not be exempt from such competitive bidding requirements on the basis of the estimated amount of such purchases.

(c) During the fiscal year ending June 30, 2022, the chairperson of the state corporation commission, with the approval of the director of the budget, may transfer additional moneys from the conservation fee fund (143-00-2130-2000) of the state corporation commission that are in excess of \$800,000 as prescribed by K.S.A. 55-193, and amendments thereto, to the abandoned oil and gas well plugging fund (143-00-2143-2100) of the state corporation commission: *Provided*, That the chairperson of the state corporation commission shall certify each such transfer of additional moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) During the fiscal year ending June 30, 2022, notwithstanding the provisions of any other statute, the chairperson of the state corporation commission, with the approval of the director of the budget, may transfer funds from any special revenue fund or funds of the state corporation commission to any other special revenue fund or funds of the state corporation commission. The chairperson of the state corporation commission shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) Expenditures for the fiscal year ending June 30, 2022, by the state corporation commission from the public service regulation fund (143-00-2019-0100), the motor carrier license fees fund (143-00-2812-5500) and the conservation fee fund (143-00-2130-2000) for official hospitality shall not exceed, in the aggregate, \$2,500.

(f) During the fiscal year ending June 30, 2022, notwithstanding the provisions of K.S.A. 55-164, 66-138 or 66-1,142b, and amendments thereto, or any other statute, all moneys received from civil fines and penalties charged and collected by the state corporation commission under K.S.A. 55-164, 66-138 or 66-1,142b, and amendments thereto, in the conservation fee fund (143-00-2130-2000), the public service regulation fund (143-00-2019-0100) and the motor carrier license fees fund (143-00-2812-5500) shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and deposited in the state treasury and credited to the state general fund.

(g) On July 1, 2021, notwithstanding the provisions of K.S.A. 55-166, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$500,000 from the well plugging assurance fund (143-00-2180-2110) of the state corporation commission to the abandoned oil and gas well fund (143-00-2143-2100) of the state corporation commission.

(h) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$100,000 from the public service regulation fund (143-00-2019-0100) of the state corporation commission to the state general fund.

Sec. 54.

CITIZENS' UTILITY RATEPAYER BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Utility regulatory fee fund (122-00-2030-2000).....\$1,007,590

(b) During the fiscal year ending June 30, 2022, in addition to other purposes for

which expenditures may be made by the citizens' utility ratepayer board from the utility regulatory fee fund (122-00-2030-2000) for fiscal year 2022 for the citizens' utility ratepayer board as authorized by this or other appropriation act of the 2021 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, if the total expenditures authorized to be expended on contracts for professional services by the citizens' utility ratepayer board by the expenditure limitation prescribed by subsection (a) are not expended or encumbered for fiscal year 2021, then the amount equal to the remaining amount of such expenditure authority for fiscal year 2021 may be expended from the utility regulatory fee fund for fiscal year 2022 pursuant to contracts for professional services and any such expenditure for fiscal year 2022 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2022.

Sec. 55.

DEPARTMENT OF ADMINISTRATION

(a) On the effective date of this act, of the \$4,651,305 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 50(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the operating expenditures account (173-00-1000-0200), the sum of \$25,861 is hereby lapsed.

(b) On the effective date of this act, of the \$293,729 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 50(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the long-term care ombudsman account (173-00-1000-0580), the sum of \$964 is hereby lapsed.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2021, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Budget stabilization fund (173-00-1600-1600).....No limit

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 70(b) of chapter 5 of the 2020 Session Laws of Kansas, and transferred pursuant to executive reorganization order No. 45, published as chapter 21 of the 2020 Session Laws of Kansas, on the state workers compensation self-insurance fund (173-00-6170-6173) for salaries and wages and other operating expenditures of the department of administration is hereby increased from \$4,745,908 to \$5,193,506.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 70(b) of chapter 5 of the 2020 Session Laws of Kansas, and transferred pursuant to executive reorganization order No. 45, published as chapter 21 of the 2020 Session Laws of Kansas, on the non-state employer group benefit fund (173-00-7707-7710) of the department of administration is hereby decreased from \$146,244 to \$131,979.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 70(b) of chapter 5 of the 2020 Session Laws of Kansas, and transferred pursuant to executive reorganization order No. 45, published as chapter 21 of the 2020 Session Laws of Kansas, on the dependent care assistance program fund (173-00-7740-7799) for salaries and wages and other operating

expenditures of the department of administration is hereby decreased from \$629,413 to \$438,413.

(g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 70(b) of chapter 5 of the 2020 Session Laws of Kansas, and transferred pursuant to executive reorganization order No. 45, published as chapter 21 of the 2020 Session Laws of Kansas, on the health benefits administration clearing fund – remit admin service org (173-00-7746-7747) for salaries and wages and other operating expenditures of the department of administration is hereby increased from \$11,005,000 to \$11,442,585.

Sec. 56.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (173-00-1000-0200).....\$4,445,476

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,000: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the operating expenditures account for three employees in the unclassified service under the Kansas civil service act.

Budget analysis (173-00-1000-0520).....\$1,615,339

*Provided*, That any unencumbered balance in the budget analysis account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the budget analysis account for eight employees in the unclassified service under the Kansas civil service act: *And provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

Long-term care ombudsman (173-00-1000-0580).....\$264,919

*Provided*, That any unencumbered balance in the long-term care ombudsman account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

KPERS bonds debt service (173-00-1000-0440).....\$64,003,586

(b) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2022, the following:

KPERS bond debt service (173-00-1700-1704).....\$36,114,485

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds or indirect cost recoveries authorized by law shall not exceed the following:

Department of administration audit services fund (173-00-2819-2819).....No limit

Budget stabilization fund (173-00-1600-1600).....No limit

Federal cash management fund (173-00-2001-2200).....No limit  
 State leave payment reserve fund (173-00-7730-7350).....No limit  
 Building and ground fund (173-00-2028-2000).....No limit  
 General fees fund (173-00-2197-2020).....No limit

*Provided*, That expenditures may be made from the general fees fund for operating expenditures for the division of personnel services, including human resources programs and official hospitality: *Provided further*; That the director of personnel services is hereby authorized to fix, charge and collect fees: *And provided further*; That fees shall be fixed in order to recover all or part of the operating expenses incurred, including official hospitality: *And provided further*; That all fees received, including fees received under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Human resource information systems cost recovery fund (173-00-6103-5700).....No limit  
 Budget fees fund (173-00-2191-2100).....No limit

*Provided*, That expenditures may be made from the budget fees fund for operating expenditures for the division of the budget, including training programs, special projects and official hospitality: *Provided further*; That the director of the budget is hereby authorized to fix, charge and collect fees for such training programs: *And provided further*; That fees for such training programs and special projects shall be fixed in order to recover all or part of the operating expenses incurred for such training programs and special projects, including official hospitality: *And provided further*; That all fees received for such training programs and special projects and all fees received by the division of the budget under the open records act for providing access to or furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the budget fees fund.

Purchasing fees fund (173-00-2017-2130).....No limit

*Provided*, That expenditures may be made from the purchasing fees fund for operating expenditures of the division of purchases, including training seminars and official hospitality: *Provided further*; That the director of purchases is hereby authorized to fix, charge and collect fees for operating expenditures incurred to reproduce and disseminate purchasing information, administer vendor applications, administer state contracts and conduct training seminars, including official hospitality: *And provided further*; That such fees shall be fixed in order to recover all or part of such operating expenses: *And provided further*; That all fees received for such operating expenses shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the purchasing fees fund.

Architectural services fee fund (173-00-2075-2110).....No limit

*Provided*, That expenditures may be made from the architectural services fee fund for operating expenditures for distribution of architectural information: *Provided further*; That the director of facilities management is hereby authorized to fix, charge and collect fees for reproduction and distribution of architectural information: *And provided further*; That such fees shall be fixed in order to recover all or part of the operating expenses incurred for reproducing and distributing architectural information: *And provided*

*further*; That all fees received for such reproduction and distribution of architectural information shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services fee fund.

- Budget equipment conversion fund (173-00-2434-2090).....No limit
- Conversion of materials and equipment fund (173-00-2408-2030).....No limit
- Architectural services equipment conversion fund (173-00-2401-2170).....No limit
- Property contingency fund (173-00-2640-2060).....No limit
- Flood control emergency – federal fund (173-00-3024-3020).....No limit
- INK special revenue fund (173-00-2764-2702).....No limit
- State buildings operating fund (173-00-6148-4100).....No limit

*Provided*, That the secretary of administration is hereby authorized to fix, charge and collect a real estate property leasing services fee at a reasonable rate per square foot of space leased by state agencies as approved by the secretary of administration under K.S.A. 75-3765, and amendments thereto, to recover the costs incurred by the department of administration in providing services to state agencies relating to leases of real property: *Provided further*; That each state agency that is party to a lease of real property that is approved by the secretary of administration under K.S.A. 75-3765, and amendments thereto, shall remit to the secretary of administration the real estate property leasing services fee upon receipt of the billing therefor: *And provided further*; That all moneys received for real estate property leasing services fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund (173-00-2028-2000), as determined and directed by the secretary of administration: *And provided further*; That the net proceeds from the sale of all or any part of the Topeka state hospital property, as defined by K.S.A. 75-37,123(a), and amendments thereto, shall be deposited in the state treasury and credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*; That the secretary of administration is hereby authorized to fix, charge and collect a surcharge against all state agency leased square footage in Shawnee county, including both state-owned and privately owned buildings: *And provided further*; That all moneys received for such surcharge shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration.

- Accounting services recovery fund (173-00-6105-4010).....No limit

*Provided*, That expenditures may be made from the accounting services recovery fund for the operating expenditures, including official hospitality, of the department of administration: *Provided further*; That the secretary of administration is hereby authorized to fix, charge and collect fees for services or sales provided by the department of administration that are not specifically authorized by any other statute: *And provided further*; That all fees received for such services or sales shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the accounting services recovery fund.

- Architectural services recovery fund (173-00-6151-5500).....No limit

*Provided*, That expenditures may be made from the architectural services recovery

fund for operating expenditures for the division of facilities management: *Provided further*; That the director of facilities management is hereby authorized to fix, charge and collect fees for services provided to other state agencies not directly related to the construction of a capital improvement project: *And provided further*; That all fees received for all such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services recovery fund.

- Motor pool service fund (173-00-6109-4020).....No limit
- Intragovernmental printing service fund (173-00-6165-9800).....No limit
- Intragovernmental printing service depreciation reserve fund (173-00-6167-9810).....No limit
- Municipal accounting and training services recovery fund (173-00-2033-1850).....No limit

*Provided*, That expenditures may be made from the municipal accounting and training services recovery fund to provide general ledger, payroll reporting, utilities billing, data processing, and accounting services to municipalities and to provide training programs conducted for municipal government personnel, including official hospitality: *Provided further*; That the director of accounts and reports is hereby authorized to fix, charge and collect fees for such services and programs: *And provided further*; That such fees shall be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: *And provided further*; That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the municipal accounting and training services recovery fund.

- Canceled warrants payment fund (173-00-2645-2070).....No limit
- State emergency fund (173-00-2581-2150).....No limit
- Bid and contract deposit fund (173-00-7609-7060).....No limit
- Federal withholding tax clearing fund (173-00-7701-7080).....No limit
- Financial management system development fund (173-00-6135-6130).....No limit

*Provided*, That the secretary of administration may establish fees and make special assessments in order to finance the costs of developing the financial management system: *Provided further*; That all moneys received for such fees and special assessments shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the financial management system development fund.

- State gaming revenues fund (173-00-9011-9100).....No limit
- Financial management system development fund – on budget (173-00-2689-2689).....No limit
- Construction defects recovery fund (173-00-2632-2615).....No limit
- Facilities conservation improvement fund (173-00-8745-4912).....No limit
- State revolving fund services fee fund (173-00-2038-2700).....No limit
- Conversion of materials and equipment – recycling program fund (173-00-2435-2031).....No limit
- Curtis office building maintenance reserve fund (173-00-2010-2190).....No limit
- Equipment lease purchase program administration clearing fund (173-00-8701-8000).....No limit

Suspense fund (173-00-9075-9220).....	No limit
Electronic funds transfer suspense fund (173-00-9175-9490).....	No limit
Surplus property program fund – on budget (173-00-2323-2300).....	No limit
Surplus property program fund – off budget (173-00-6150-6150).....	No limit
Older Americans act title IIIB long-term care ombudsman federal fund (173-00-3287-3287).....	No limit
Older Americans act title VII long-term care ombudsman federal fund (173-00-3358-3140).....	No limit
Long-term care ombudsman gift and grant fund (173-00-7258-7280).....	No limit
Title XIX – long-term care ombudsman medical assistance program federal fund (173-00-3414-3414).....	No limit
Wireless enhanced 911 grant fund (173-00-2577-2570).....	No limit
Bioscience development fund (173-00-2765-2703).....	No limit
Dwight D Eisenhower statue fund (173-00-7243-7243).....	No limit
Digital imaging program fund (173-00-6121-6121).....	No limit
<i>Provided</i> , That expenditures may be made from the digital imaging program fund for grants to state agencies for digital document imaging projects.	
Cafeteria benefits fund (173-00-7720-7723).....	No limit
State workers compensation self-insurance fund (173-00-6170-6170).....	No limit
<i>Provided</i> , That expenditures from the state workers compensation self-insurance fund for the fiscal year ending June 30, 2022, for salaries and wages and other operating expenditures shall not exceed \$4,783,691.	
Dependent care assistance program fund (173-00-7740-7799).....	No limit
<i>Provided</i> , That expenditures from the dependent care assistance program fund for the fiscal year ending June 30, 2022, for salaries and wages and other operating expenditures shall not exceed \$439,937.	
Non-state employer group benefit fund (173-00-7707-7710).....	\$133,226
Health benefits administration clearing fund – remit admin service org (173-00-7746-7746).....	No limit
<i>Provided</i> , That expenditures from the health benefits administration clearing fund – remit admin service org for the fiscal year ending June 30, 2022, for salaries and wages and other operating expenditures shall not exceed \$11,215,900.	
Health insurance premium reserve fund (173-00-7350-7350).....	No limit
Coronavirus relief fund (173-00-3753).....	No limit
(d) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2022 by this or other appropriation act of the 2021 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2022, for the secretary of administration, as part of the system of payroll accounting formulated under K.S.A. 75-5501, and amendments thereto, to establish a payroll deduction plan, for the purpose of allowing insurers, who are authorized to do business in the state of Kansas, to offer to state employees accident, disability, specified disease and hospital indemnity products, which may be purchased by such employees: <i>Provided, however</i> , That any such insurer and indemnity product shall be approved by the Kansas state employees health care	

commission prior to the establishment of such payroll deduction: *Provided*, That upon notification of an employing agency's receipt of written authorization by any state employee, the director of accounts and reports shall make periodic deductions of amounts as specified in such authorization from the salary or wages of such state employee for the purpose of purchasing such indemnity products: *Provided further*; That, subject to the approval of the secretary of administration, the director of accounts and reports may prescribe procedures, limitations and conditions for making payroll deductions pursuant to this section.

(e) On July 1, 2021, the director of accounts and reports shall transfer \$210,000 from the state highway fund to the state general fund for the purpose of reimbursing the state general fund for the cost of providing purchasing services to the department of transportation.

(f) During the fiscal year ending June 30, 2022, the secretary of administration is hereby authorized to approve refinancing of equipment being financed by state agencies through the department's equipment financing program. Such refinancing project is hereby approved for the purposes of K.S.A. 74-8905(b), and amendments thereto.

(g) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated in any capital improvement account of any special revenue fund or funds or in any capital improvement account of the state general fund for the above agency for fiscal year 2022 by this or other appropriation act of the 2021 regular session of the legislature, expenditures may be made by the above agency from any such capital improvement account of any special revenue fund or funds or any such capital improvement account of the state general fund for fiscal year 2022 for the purpose of making emergency repairs to any facility that is under the charge, care, management or control of the department of administration as provided by law: *Provided*, That the secretary of administration shall make a full report on such repairs and expenditures to the director of the budget and the director of legislative research.

(h) (1) On July 1, 2021, the director of accounts and reports shall record a debit to the state treasurer's receivables for the state economic development initiatives fund and shall record a corresponding credit to the state economic development initiatives fund in an amount certified by the director of the budget that shall be equal to 75% of the amount estimated by the director of the budget to be transferred and credited to the state economic development initiatives fund during the fiscal year ending June 30, 2022, except that such amount shall be proportionally adjusted during fiscal year 2022 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2022. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2022 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.

(2) On June 30, 2022, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the state economic development initiatives fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the state economic development initiatives fund during fiscal year 2022.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the state economic development initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to

this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state economic development initiatives fund by the state treasurer in accordance with the notice thereof.

(i) (1) On July 1, 2021, the director of accounts and reports shall record a debit to the state treasurer's receivables for the correctional institutions building fund and shall record a corresponding credit to the correctional institutions building fund in an amount certified by the director of the budget that shall be equal to 80% of the amount estimated by the director of the budget to be transferred and credited to the correctional institutions building fund during the fiscal year ending June 30, 2022, except that such amount shall be proportionally adjusted during fiscal year 2022 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2022. All moneys transferred and credited to the correctional institutions building fund during fiscal year 2022 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.

(2) On June 30, 2022, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the correctional institutions building fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the correctional institutions building fund during fiscal year 2022.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the correctional institutions building fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the correctional institutions building fund by the state treasurer in accordance with the notice thereof.

(j) During the fiscal year ending June 30, 2022, the secretary of administration, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2022, from the state general fund for the department of administration to another item of appropriation for fiscal year 2022 from the state general fund for the department of administration. The secretary of administration shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(k) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2022, the following:

SIBF – state building insurance (173-00-8100-8920).....\$325,000

*Provided*, That, notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, expenditures may be made by the above agency from the SIBF – state building insurance account of the state institutions building fund for state building insurance premiums.

(l) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2022, the following:

CIBF – state building insurance (173-00-8600-8930).....\$400,000

*Provided*, That, notwithstanding the provisions of K.S.A. 76-6b09, and amendments thereto, expenditures may be made by the above agency from the CIBF – state building insurance account of the correctional institutions building fund for state building

insurance premiums.

(m) On July 1, 2021, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2022, the director of accounts and reports shall transfer an amount or amounts from the appropriate federal fund or funds of the Kansas department for aging and disability services to the older Americans act title IIIB long-term care ombudsman federal fund (173-00-3287-3287) of the department of administration: *Provided*, That the aggregate of such amount or amounts transferred during fiscal year 2022 shall be equal to and shall not exceed the older Americans act title VII: ombudsman award and 4.38% of the Kansas older Americans act title III: part B supportive services award.

(n) (1) (A) Prior to August 15, 2021, the state board of regents shall determine and certify to the director of the budget each of the specific amounts from the amounts appropriated from the state general fund or from the moneys appropriated and available in the special revenue funds for each of the regents agencies to be transferred to and debited to the 27<sup>th</sup> payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection: *Provided*, That the aggregate of all such amounts certified to the director of the budget shall be an amount that is equal to or more than \$1,184,054. The certification by the state board of regents shall specify the amount in each account of the state general fund or in each special revenue fund, or account thereof, that is designated by the state board of regents pursuant to this subsection for each of the regents agencies to be transferred to and debited to the 27<sup>th</sup> payroll adjustment account in the state general fund by the director of accounts and reports pursuant to this subsection. At the same time as such certification is transmitted to the director of the budget, the state board of regents shall transmit a copy of such certification to the director of legislative research.

(B) The director of the budget shall review each such certification from the state board of regents and shall certify a copy of each such certification from the state board of regents to the director of accounts and reports. At the same time as such certification is transmitted to the director of accounts and reports, the director of the budget shall transmit a copy of each such certification to the director of legislative research.

(C) On August 15, 2021, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under this subsection, the appropriation for fiscal year 2022 for each account of the state general fund, state economic development initiatives fund, state water plan fund and children's initiatives fund that is appropriated or reappropriated for the fiscal year ending June 30, 2022, by this or other appropriation act of the 2021 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under this subsection.

(2) In determining the amounts to be certified to the director of accounts and reports in accordance with this subsection, the director of the budget and the state board of regents shall consider any changed circumstances and unanticipated reductions in expenditures or unanticipated and required expenditures by the regents agencies for fiscal year 2022.

(3) As used in this subsection, "regents agency" means the state board of regents, Fort Hays state university, Kansas state university, Kansas state university extension systems and agriculture research programs, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, the university of Kansas, the university of Kansas medical center and Wichita state university.

(4) The provisions of this subsection shall not apply to:

(A) Any money held in trust in a trust fund or held in trust in any other special revenue fund or funds of any regents agency;

(B) any moneys received from any agency or authority of the federal government or from any other federal source, other than any such federal moneys that are credited to or may be received and credited to special revenue funds of a regents agency and that are determined by the state board of regents to be federal moneys that may be transferred to and debited to the 27<sup>th</sup> payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection;

(C) any account of the Kansas educational building fund; or

(D) any fund of any regents agency in the state treasury, as determined by the director of the budget, that would experience financial or administrative difficulties as a result of executing the provisions of this subsection, including, but not limited to, cash-flow problems, the inability to meet ordinary expenditure obligations, or any conflicts with prevailing contracts, compacts or other provisions of law.

(5) Each amount transferred from any special revenue fund of any regents agency to the state general fund pursuant to this subsection is transferred to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed on behalf of the regents agency involved by other state agencies that receive appropriations from the state general fund to provide such services.

(o) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2022 by this or other appropriation act of the 2021 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2022, for the secretary of administration to fix, charge and collect fees for architectural, engineering and management services provided for capital improvement projects of the state board of regents or any state educational institution, as defined by K.S.A. 76-711, and amendments thereto, for which the department of administration provides such services and which are financed in whole or in part by gifts, bequests or donations made by one or more private individuals or other private entities: *Provided*, That such fees for such services are hereby authorized to be fixed, charged and collected in accordance with the provisions of K.S.A. 75-1269, and amendments thereto, notwithstanding any provisions of K.S.A. 75-1269, and amendments thereto, to the contrary: *Provided further*, That all such fees received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services recovery fund.

(p) (1) On July 1, 2021, the director of accounts and reports shall record a debit to the state treasurer's receivables for the expanded lottery act revenues fund and shall record a corresponding credit to the expanded lottery act revenues fund in an amount certified by the director of the budget that shall be equal to the amount estimated by the director of the budget to be transferred and credited to the expanded lottery act revenues fund during the fiscal year ending June 30, 2022, except that such amount shall be proportionally adjusted during fiscal year 2022 with respect to any change in the moneys to be transferred and credited to the expanded lottery act revenues fund during

fiscal year 2022. All moneys transferred and credited to the expanded lottery act revenues fund during fiscal year 2022 shall reduce the amount debited and credited to the expanded lottery act revenues fund under this subsection.

(2) On June 30, 2022, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the expanded lottery act revenues fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the expanded lottery act revenues fund during fiscal year 2022.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the expanded lottery act revenues fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the expanded lottery act revenues fund by the state treasurer in accordance with the notice thereof.

(q) (1) On July 1, 2021, the director of accounts and reports shall record a debit to the state treasurer's receivables for the children's initiatives fund and shall record a corresponding credit to the children's initiatives fund in an amount certified by the director of the budget that shall be equal to 50% of the amount estimated by the director of the budget to be transferred and credited to the children's initiatives fund during the fiscal year ending June 30, 2022, except that such amount shall be proportionally adjusted during fiscal year 2022 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2022. Among other appropriate factors, the director of the budget shall take into consideration the estimated and actual receipts and interest earnings of the Kansas endowment for youth fund for fiscal year 2021 and fiscal year 2022 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2022 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.

(2) On June 30, 2022, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the children's initiatives fund pursuant to this subsection to reflect all moneys actually transferred and credited to the children's initiatives fund during fiscal year 2022.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the children's initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the children's initiatives fund by the state treasurer in accordance with the notice thereof.

(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund shall be made after the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (r) for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund.

(r) (1) On July 1, 2021, the director of accounts and reports shall record a debit to the state treasurer's receivables for the Kansas endowment for youth fund and shall record a corresponding credit to the Kansas endowment for youth fund in an amount certified by the director of the budget that shall be equal to 75% of the amount approved for expenditure by the children's cabinet during the fiscal year ending June 30, 2022, as certified by the director of the budget. All moneys received and credited to the Kansas endowment for youth fund during fiscal year 2022 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.

(2) On June 30, 2022, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the Kansas endowment for youth fund pursuant to this subsection to reflect all moneys actually transferred and credited to the Kansas endowment for youth fund during fiscal year 2022.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the Kansas endowment for youth fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the Kansas endowment for youth fund by the state treasurer in accordance with the notice thereof.

(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund shall be made before the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (q) for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund.

Sec. 57.

OFFICE OF INFORMATION TECHNOLOGY SERVICES

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

Information technology modernization (335-00-1000-0010).....\$1,726,639

(b) On the effective date of this act, of the \$3,400,000 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 52(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the network remediation account (335-00-1000-0040), the sum of \$13,018 is hereby lapsed.

(c) On the effective date of this act, of the \$4,500,000 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 52(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the rehabilitation and repair account (335-00-1000-0050), the sum of \$293,559 is hereby lapsed.

Sec. 58.

OFFICE OF INFORMATION TECHNOLOGY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Rehabilitation and repair (335-00-1000-0050).....\$4,250,000

*Provided*, That any unencumbered balance in the rehabilitation and repair account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Any unencumbered balance in the information technology modernization account (335-00-1000-0010) of the state general fund in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Information technology fund (335-00-6110-4030).....No limit  
*Provided*, That any moneys collected from a fee increase for information services recommended by the governor shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the information technology fund.
  - Information technology reserve fund (335-00-6147-4080).....No limit
  - Public safety broadband services fund (335-00-2125-2125).....No limit
  - GIS contracting services fund (335-00-2163-2163).....No limit
  - GIS contracting services fund (335-00-6009-6009).....No limit
  - State and local implementation grant – federal fund (335-00-3576-3576).....No limit
- Sec. 59.

KANSAS INFORMATION SECURITY OFFICE

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Information technology fund (335-00-6110-4030).....No limit  
*Provided*, That any moneys collected from a fee increase for information services recommended by the governor shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the information technology fund.
  - Information technology reserve fund (335-00-6147-4080).....No limit
- Sec. 60.

OFFICE OF ADMINISTRATIVE HEARINGS

(a) On the effective date of this act, the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2021, by section 55(a) of chapter 5 of the 2020 Session Laws of Kansas on the administrative hearings office fund (178-00-2582-2584) of the office of administrative hearings is hereby decreased from \$50 to \$20.

Sec. 61.

OFFICE OF ADMINISTRATIVE HEARINGS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Administrative hearings office fund (178-00-2582).....No limit  
*Provided*, That expenditures from the administrative hearings office fund for official hospitality shall not exceed \$20.

Sec. 62.

STATE BOARD OF TAX APPEALS

(a) On the effective date of this act, of the \$804,259 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 56(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the operations expenditure account (562-00-1000-0103), the sum of \$228,024 is hereby lapsed.

Sec. 63.

STATE BOARD OF TAX APPEALS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (562-00-1000-0103).....\$668,411

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2021, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Duplicating fees fund (562-00-2219-2200).....\$5,000

BOTA filing fee fund (562-00-2240-2240).....\$1,235,468

(c) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2022 for the above agency as authorized by this or other appropriation act of the 2021 regular session of the legislature, notwithstanding the provisions of K.S.A. 74-2433, and amendments thereto, or any other statute, expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2022 for a member to continue to serve for a period of 180 days after the expiration of the member's term during fiscal year 2022.

Sec. 64.

DEPARTMENT OF REVENUE

(a) On the effective date of this act, of the \$15,962,196 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 58(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the operating expenditure accounts (565-00-1000-0303), the sum of \$687,547 is hereby lapsed.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 58(b) of chapter 5 of the 2020 Session Laws of Kansas on the division of vehicles operating fund (565-00-2089-2020) of the department of revenue is hereby decreased from \$50,768,614 to \$50,032,100.

Sec. 65.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (565-00-1000-0303).....\$14,443,154

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Sand royalty fund (565-00-2087-2010).....No limit
- Division of vehicles operating fund (565-00-2089-2020).....\$50,832,862
- Provided*, That all receipts collected under authority of K.S.A. 74-2012, and amendments thereto, shall be credited to the division of vehicles operating fund: *Provided further*, That any expenditure from the division of vehicles operating fund of the department of revenue to reimburse the audit services fund (540-00-9204-9000) of the division of post audit for a financial-compliance audit in an amount certified by the legislative post auditor shall be in addition to any expenditure limitation imposed on the division of vehicles operating fund for the fiscal year ending June 30, 2022: *And provided further*, That, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, expenditures may be made from this fund for the administration and operation of the department of revenue.
- Vehicle dealers and manufacturers fee fund (565-00-2189-2030).....No limit
- Kansas qualified agricultural ethyl alcohol producer incentive fund (565-00-2215).....No limit
- Division of vehicles modernization fund (565-00-2390-2390).....No limit
- Kansas retail dealer incentive fund (565-00-2387-2380).....No limit
- Conversion of materials and equipment fund (565-00-2417-2050).....No limit
- Forfeited property fee fund (565-00-2428-2200).....No limit
- Setoff services revenue fund (565-00-2617-2080).....No limit
- Publications fee fund (565-00-2663-2090).....No limit
- Child support enforcement contractual agreement fund (565-00-2683-2110).....No limit
- County treasurers' vehicle licensing fee fund (565-00-2687-2120).....No limit
- Tax amnesty recovery fund (565-00-2462-2462).....No limit
- Reappraisal reimbursement fund (565-00-2693-2130).....No limit
- Provided*, That all moneys received for the costs incurred for conducting appraisals for any county shall be deposited in the state treasury and credited to the reappraisal reimbursement fund: *Provided further*, That expenditures may be made from this fund for the purpose of conducting appraisals pursuant to orders of the state board of tax appeals under K.S.A. 79-1479, and amendments thereto.
- Special training fund (565-00-2016-2000).....No limit
- Provided*, That expenditures may be made from the special training fund for operating expenditures, including official hospitality, incurred for conferences, training seminars, workshops and examinations: *Provided further*, That the secretary of revenue is hereby authorized to fix, charge and collect fees for conferences, training seminars, workshops and examinations sponsored or cosponsored by the department of revenue: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for such conferences, training seminars, workshops and examinations or for qualifying applicants for such conferences, training seminars, workshops and examinations: *And provided further*, That all fees received for conferences, training seminars, workshops and examinations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments

thereto, and shall be credited to the special training fund.

Recovery fund for enforcement actions	
and attorney fees (565-00-2021-2060).....	No limit
Commercial vehicle information systems/network	
federal fund (565-00-3244-3244).....	No limit
Highway planning construction federal fund (565-00-3333-3333).....	No limit
State and community highway safety fund (565-00-3815-3815).....	No limit
Microfilming fund (565-00-2281-2270).....	No limit
<i>Provided</i> , That expenditures may be made from the microfilming fund to operate and maintain a microfilming activity to sell microfilming services to other state agencies:	
<i>Provided further</i> , That all moneys received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the microfilming fund.	
Miscellaneous trust bonds fund (565-00-7556-5180).....	No limit
Liquor excise tax guarantee bond fund (565-00-7604-5190).....	No limit
Non-resident contractors cash bond fund (565-00-7605-5200).....	No limit
Bond guaranty fund (565-00-7606-5210).....	No limit
Interstate motor fuel user cash bond fund (565-00-7616-5220).....	No limit
Motor fuel distributor cash bond fund (565-00-7617-5230).....	No limit
Special county mineral production tax fund (565-00-7668-5280).....	No limit
County drug tax fund (565-00-7680-5310).....	No limit
Escheat proceeds suspense fund (565-00-7753-5290).....	No limit
Privilege tax refund fund (565-00-9031-9300).....	No limit
Suspense fund (565-00-9032-9310).....	No limit
Cigarette tax refund fund (565-00-9033-9330).....	No limit
Motor-vehicle fuel tax refund fund (565-00-9035-9350).....	No limit
Cereal malt beverage tax refund fund (565-00-9036-9360).....	No limit
Income tax refund fund (565-00-9038-9370).....	No limit
Sales tax refund fund (565-00-9039-9380).....	No limit
Compensating tax refund fund (565-00-9040-9390).....	No limit
Alcoholic liquor tax refund fund (565-00-9041-9400).....	No limit
Cigarette/tobacco products regulation fund (565-00-2294-2190).....	No limit
Motor carrier tax refund fund (565-00-9042-9410).....	No limit
Car company tax fund (565-00-9043-9420).....	No limit
Protested motor carrier taxes fund (565-00-9044-9430).....	No limit
Tobacco products refund fund (565-00-9045-9440).....	No limit
Transient guest tax refund fund (established by	
K.S.A. 12-1694a) (565-00-9066-9450).....	No limit
Interstate motor fuel taxes clearing fund (565-00-9070-9710).....	No limit
Motor carrier permits escrow clearing fund (565-00-7581-5400).....	No limit
Transient guest tax refund fund (established by	
K.S.A. 12-16,100) (565-00-9074-9480).....	No limit
Interstate motor fuel taxes refund fund (565-00-9069-9010).....	No limit
Interfund clearing fund (565-00-9096-9510).....	No limit
Local alcoholic liquor clearing fund (565-00-9100-9700).....	No limit
International registration plan distribution	
clearing fund (565-00-9103-9520).....	No limit

Rental motor vehicle excise tax refund fund (565-00-9106-9730).....	No limit
International fuel tax agreement clearing fund (565-00-9072-9015).....	No limit
Mineral production tax refund fund (565-00-9121-9540).....	No limit
Special fuels tax refund fund (565-00-9122-9550).....	No limit
LP-gas motor fuels refund fund (565-00-9123-9560).....	No limit
Local alcoholic liquor refund fund (565-00-9124-9570).....	No limit
Sales tax clearing fund (565-00-9148-9580).....	No limit
Rental motor vehicle excise tax clearing fund (565-00-9187-9640).....	No limit
VIPS/CAMA technology hardware fund (565-00-2244-2170).....	No limit

*Provided*, That, notwithstanding the provisions of K.S.A. 74-2021, and amendments thereto, or of any other statute, expenditures may be made from the VIPS/CAMA technology hardware fund for the purposes of upgrading the VIPS/CAMA computer hardware and software for the state or for the counties and for administration and operation of the department of revenue.

County and city retailers sales tax clearing fund – county and city sales tax (565-00-9190-9610).....	No limit
City and county compensating use tax clearing fund (565-00-9191-9620).....	No limit
County and city transient guest tax clearing fund (565-00-9192-9630).....	No limit
Automated tax systems fund (565-00-2265-2265).....	No limit
Dyed diesel fuel fee fund (565-00-2286-2280).....	No limit
Electronic databases fee fund (565-00-2287-2180).....	No limit

*Provided*, That, notwithstanding the provisions of K.S.A. 74-2022, and amendments thereto, or any other statute, expenditures may be made from the electronic databases fee fund for the purposes of operating expenditures, including expenditures for capital outlay; of operating, maintaining or improving the vehicle information processing system (VIPS), the Kansas computer assisted mass appraisal system (CAMA) and other electronic database systems of the department of revenue, including the costs incurred to provide access to or to furnish copies of public records in such database systems and for the administration and operation of the department of revenue.

Photo fee fund (565-00-2084-2140).....	No limit
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*Provided*, That, notwithstanding the provisions of K.S.A. 2020 Supp. 8-299, and amendments thereto, or any other statute, expenditures may be made from the photo fee fund for administration and operation of the driver license program and related support operations in the division of administration of the department of revenue, including costs of administering the provisions of K.S.A. 8-240, 8-243, 8-267, 8-1324 and 8-1325, and amendments thereto, relating to drivers licenses, instruction permits and identification cards.

Estate tax abatement refund fund (565-00-9082-9501).....	No limit
Distinctive license plate fund (565-00-2232-2230).....	No limit
Repossessed certificates of title fee fund (565-00-2015-2070).....	No limit
Hazmat fee fund (565-00-2365-2300).....	No limit
Intra-governmental service fund (565-00-6132-6101).....	No limit
Community improvement district sales tax administration fund (565-00-7675-5300).....	No limit
Community improvement district sales tax	

refund fund (565-00-9049-9455).....	No limit
Community improvement district sales tax clearing fund (565-00-9189-9655).....	No limit
Drivers license first responders indicator federal fund (565-00-3179-3179).....	No limit
Enforcing underage drinking federal fund (565-00-3219-3219).....	No limit
FDA tobacco program federal fund (565-00-3330-3330).....	No limit
Commercial vehicle administrative system fund (565-00-2098-2098).....	No limit
State charitable gaming regulation fund (565-00-2381-2385).....	No limit
Charitable gaming refund fund (565-00-9001-9001).....	No limit
Commercial driver's license drive test fee fund (565-00-2816-2816).....	No limit
DUI-IID designation fund (565-00-2380-2370).....	No limit
MSA compliance fund (565-00-2274-2274).....	No limit
Alcoholic beverage control modernization fund (565-00-2299-2299).....	No limit
Native American veterans' income tax refund fund.....	No limit
Fleet rental vehicle administration fund (565-00-2799-2799).....	No limit
Fleet rental vehicle clearing fund (565-00-9089-9089).....	No limit

(c) On July 1, 2021, October 1, 2021, January 1, 2022, and April 1, 2022, the director of accounts and reports shall transfer \$12,200,132 from the state highway fund (276-00-4100-4100) of the department of transportation to the division of vehicles operating fund (565-00-2089-2020) of the department of revenue for the purpose of financing the cost of operation and general expense of the division of vehicles and related operations of the department of revenue.

(d) On August 1, 2021, the director of accounts and reports shall transfer \$77,250 from the accounting services recovery fund (173-00-6105-4010) of the department of administration to the setoff services revenue fund (565-00-2617-2080) of the department of revenue for reimbursing costs of recovering amounts owed to state agencies under K.S.A. 75-6201 et seq., and amendments thereto.

(e) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or any other statute, for the fiscal year ending June 30, 2022, the state treasurer shall credit \$1 of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue in an amount not to exceed \$500,000 to the digital imaging program fund (173-00-6121-6121) of the department of administration.

(f) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or any other statute, for the fiscal year ending June 30, 2022, the state treasurer shall credit \$1 of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue in an amount not to exceed \$1,000,000 to the criminal justice information system line fund (083-00-2457-2400) of the attorney general – Kansas bureau of investigation.

(g) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or any other statute, for the fiscal year ending June 30, 2022, the state treasurer shall credit \$1 of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue in an amount not to exceed \$1,000,000 to the division of vehicles modernization fund (565-00-2390-2390) of the department of revenue.

(h) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,220,688 from the Kansas endowment for youth fund (365-00-7000-2000) to the MSA compliance fund (565-00-2274-2274) of the

department of revenue.

Sec. 66.

KANSAS LOTTERY

(a) On the effective date of this act, the aggregate of the amounts authorized by section 59(b) of chapter 5 of the 2020 Session Laws of Kansas to be transferred from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) during the fiscal year ending June 30, 2021, is hereby decreased from \$76,900,000 to \$69,390,000.

Sec. 67.

KANSAS LOTTERY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Lottery prize payment fund (450-00-7381).....No limit
- Lottery operating fund (450-00-5123).....No limit
- Provided*, That expenditures from the lottery operating fund for official hospitality shall not exceed \$5,000.
- Expanded lottery receipts fund (450-00-5128).....No limit
- Lottery gaming facility manager fund (450-00-5129-5150).....No limit
- Expanded lottery act revenues fund (450-00-5127-5120).....\$0

(b) Notwithstanding the provisions of K.S.A. 74-8711, and amendments thereto, and subject to the provisions of this subsection: (1) An amount of not less than \$2,300,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before July 15, 2021; and (2) an amount of not less than \$4,700,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before August 15, 2021, and on or before the 15<sup>th</sup> of each month thereafter through June 15, 2022: *Provided*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) and shall credit such amount to the state gaming revenues fund (173-00-9011-9100) for the fiscal year ending June 30, 2022: *Provided, however*; That, after the date that an amount of \$54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2022 pursuant to this subsection, the executive director of the Kansas lottery shall continue to certify amounts to the director of accounts and reports on or before the 15<sup>th</sup> of each month through June 15, 2022, except that the amounts certified after such date shall not be subject to the minimum amount of \$4,700,000: *Provided further*; That the amounts certified by the executive director of the Kansas lottery to the director of accounts and reports, after the date an amount of \$54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2022 pursuant to this subsection, shall be determined by the executive director so that an aggregate of all amounts certified pursuant to this subsection for fiscal year 2022 is equal to or more than \$69,590,000: *And provided further*; That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2022 pursuant to this subsection shall be equal to or more than \$69,590,000: *And provided further*; That the transfers prescribed by this subsection shall be the maximum amount

possible while maintaining an adequate cash balance necessary to make expenditures for prize payments and operating costs: *And provided further*; That the transfers prescribed in this subsection shall include the total profit attributed to the special veterans benefit game under K.S.A. 74-8724, and amendments thereto: *And provided further*; That the transfers prescribed by this subsection shall be made in lieu of transfers under K.S.A. 74-8711(d), and amendments thereto, for fiscal year 2022.

(c) In addition to the purposes for which expenditures of moneys in the lottery operating fund (450-00-5123-5100) may be made, as authorized by provisions of K.S.A. 74-8711, and amendments thereto, in fiscal year 2022, moneys in the lottery operating fund may be used for payment of all costs incurred in the operation and administration of the Kansas lottery, the Kansas lottery act and the Kansas expanded lottery act.

(d) Notwithstanding the provisions of K.S.A. 74-8724, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2022, the director of accounts and reports shall transfer from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) the amount of total profit attributed to the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto, during fiscal year 2022: *Provided*, That, the transfer to the veterans benefit lottery game fund (694-00-2303-2303) of the Kansas commission on veterans affairs office for the fiscal year ending June 30, 2022, authorized by section 49(f) represents the total profits derived from the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto: *Provided further*; That on or before August 1, 2022, the executive director of the lottery shall report the amount of total profit attributed to the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto, during fiscal year 2022 to the director of the budget and the director of legislative research.

Sec. 68.

KANSAS RACING AND GAMING COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- State racing fund (553-00-5131-5000).....No limit
- Racing reimbursable expense fund (553-00-2616-2600).....No limit
- Racing applicant deposit fund (553-00-7383-7000).....No limit
- Kansas horse breeding development fund (553-00-2516-2300).....No limit
- Kansas greyhound breeding development fund (553-00-2601-2500).....No limit

*Provided*, That notwithstanding K.S.A. 74-8831, and amendments thereto, all moneys transferred into this fund pursuant to K.S.A. 74-8767(b), and amendments thereto, shall be deposited to a separate account established for the purpose described in this proviso and moneys in this account shall be expended only to supplement special stake races and to enhance the amount per point paid to owners of Kansas-whelped greyhounds that win live races at Kansas greyhound tracks and pursuant to rules and regulations adopted by the Kansas racing and gaming commission: *Provided further*; That transfers from this account to the live greyhound racing purse supplement fund may be made in accordance with K.S.A. 74-8767(b), and amendments thereto.

- Racing investigative expense fund (553-00-2570-2400).....No limit
- Horse fair racing benefit fund (553-00-2296-3000).....No limit

Tribal gaming fund (553-00-2320-3700).....No limit  
*Provided*, That expenditures from the tribal gaming fund for official hospitality shall not exceed \$1,000.

Expanded lottery regulation fund (553-00-2535).....No limit  
*Provided*, That expenditures from the expanded lottery regulation fund for official hospitality shall not exceed \$1,500.

Live horse racing purse supplement fund (553-00-2546-2800).....No limit

Live greyhound racing purse supplement fund (553-00-2557-2900).....No limit

Greyhound promotion and development fund (553-00-2561-3100).....No limit

Gaming background investigation fund (553-00-2682-2680).....No limit

Gaming machine examination fund (553-00-2998-2990).....No limit

Education and training fund (553-00-2459-2450).....No limit

*Provided*, That expenditures may be made from the education and training fund for operating expenditures, including official hospitality, incurred for hosting or providing training, in-service workshops and conferences: *Provided further*, That the Kansas racing and gaming commission is hereby authorized to fix, charge and collect fees for hosting or providing training, in-service workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for hosting or providing such training, in-service workshops and conferences: *And provided further*, That all fees received for hosting or providing such training, in-service workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the education and training fund.

Illegal gambling enforcement fund (553-00-2734-2690).....No limit

*Provided*, That expenditures may be made from the illegal gambling enforcement fund for direct or indirect operating expenditures incurred for investigatory seizure and forfeiture activities, including, but not limited to: (1) Conducting investigations of illegal gambling operations or activities; (2) participating in illegal gaming in order to collect or purchase evidence as part of an undercover investigation into illegal gambling operations; and (3) acquiring information or making contacts leading to illegal gaming activities: *Provided, however*, That all moneys that are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and that are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the illegal gambling enforcement fund: *Provided further*, That any moneys received or awarded to the Kansas racing and gaming commission for such enforcement activities shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the illegal gambling enforcement fund.

(b) On July 1, 2021, the director of accounts and reports shall transfer \$450,000 from the state general fund to the tribal gaming fund (553-00-2320-3700) of the Kansas racing and gaming commission.

(c) During the fiscal year ending June 30, 2022, the director of accounts and reports shall transfer one or more amounts certified by the executive director of the state gaming agency from the tribal gaming fund to the state general fund: *Provided*, That all such transfers shall be for the purpose of reimbursing the state general fund for the amount equal to the net amount obtained by subtracting (1) the aggregate of any costs

incurred by the state gaming agency during fiscal year 2022 for any arbitration or litigation in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act, from (2) the aggregate of the amounts transferred to the tribal gaming fund (553-00-2320-3700) of the Kansas racing and gaming commission during fiscal year 2022 for the operating expenditures for the state gaming agency and any other expenses incurred in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act.

(d) During the fiscal year ending June 30, 2022, all payments for services provided by the Kansas bureau of investigation shall be paid by the Kansas racing and gaming commission in accordance with K.S.A. 75-5516(b), and amendments thereto, pursuant to bills that are presented in a timely manner by the Kansas bureau of investigation for services rendered.

(e) In addition to the other purposes for which expenditures may be made from the moneys appropriated in the tribal gaming fund (553-00-2320-3700) for fiscal year 2022 for the Kansas racing and gaming commission by this or other appropriation act of the 2021 regular session of the legislature, expenditures, which are hereby authorized, may be made from the tribal gaming fund for fiscal year 2022 for the state gaming agency regulatory oversight of class III gaming, including, but not limited to, the regulatory oversight and law enforcement activities of monitoring compliance with tribal-state gaming compacts and conducting investigations of violations of tribal-state gaming compacts, investigations of criminal violations of the laws of this state at tribal gaming facilities, criminal violations of the tribal gaming oversight act, background investigations of applicants and vendors and investigations of other criminal activities related to tribal gaming.

(f) Notwithstanding the provisions of K.S.A. 74-8831, and amendments thereto, or any other statute, the director of accounts and reports shall not make the transfer from the Kansas greyhound breeding development fund (553-00-2601-2500) of the Kansas racing and gaming commission to the greyhound tourism fund of the Kansas department of wildlife and parks that is directed to be made on or before June 30, 2022, by K.S.A. 74-8831(b)(1), and amendments thereto, and shall transfer on or before June 30, 2022, the amount equal to 15% of all moneys credited to the Kansas greyhound breeding development fund during the fiscal year ending June 30, 2022, from the Kansas greyhound breeding development fund to the greyhound promotion and development fund (553-00-2561-3100) of the Kansas racing and gaming commission.

(g) During the fiscal year ending June 30, 2022, notwithstanding the provisions of any other statute, the Kansas racing and gaming commission is hereby authorized to fix, charge and collect additional fees to recover all or part of the direct and indirect costs or operating expenses incurred or expected to be incurred by the Kansas racing and gaming commission for the regulation of racing activities that are not otherwise recovered from a parimutuel facility licensee under authority of any other statute: *Provided*, That such fees shall be in addition to all taxes and other fees otherwise authorized by law: *Provided further*, That such costs or operating expenses shall include all or part of any auditing, drug testing, accounting, security and law enforcement, licensing of any office or other facility for use by a parimutuel facility licensee or projects to update and upgrade information technology software or facilities of the commission and shall specifically include any general operating expenses that are

associated with regulatory activities attributable to the entity upon which any such fee is imposed and all expenses related to reopening any race track or other racing facility: *And provided further*; That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state racing fund (553-00-5131-5000).

Sec. 69.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, of the \$11,877,926 reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 61(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the KBA grants commitments account (300-00-1000-800), the sum of \$1,292,926 is hereby lapsed.

(b) On the effective date of this act, of the \$8,383,532 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 61(b) of chapter 5 of the 2020 Session Laws of Kansas from the state economic development initiatives fund in the operating grant (including official hospitality) account (300-00-1900-1110), the sum of \$24,695 is hereby lapsed.

(c) On the effective date of this act, of the \$503,164 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 61(b) of chapter 5 of the 2020 Session Laws of Kansas from the state economic development initiatives fund in the older Kansans employment program account (300-00-1900-1140), the sum of \$32 is hereby lapsed.

(d) On the effective date of this act, of the \$1,008,583 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 61(b) of chapter 5 of the 2020 Session Laws of Kansas from the state economic development initiatives fund in the rural opportunity zones program account (300-00-1900-1150), the sum of \$231 is hereby lapsed.

(e) On the effective date of this act, of the \$7,941 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 61(b) of chapter 5 of the 2020 Session Laws of Kansas from the state economic development initiatives fund in the senior community service employment program account (300-00-1900-1160), the sum of \$2 is hereby lapsed.

(f) On the effective date of this act, of the \$195,880 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 61(b) of chapter 5 of the 2020 Session Laws of Kansas from the state economic development initiatives fund in the strong military bases program account (300-00-1900-1170), the sum of \$29 is hereby lapsed.

(g) On the effective date of this act, of the \$502,084 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 61(b) of chapter 5 of the 2020 Session Laws of Kansas from the state economic development initiatives fund in the creative arts industries commission account (300-00-1900-1188), the sum of \$113 is hereby lapsed.

(h) On the effective date of this act, notwithstanding the provisions of K.S.A. 79-4804, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$45,245 from the state economic development initiatives fund (300-00-1900-1100) to the state general fund.

(i) During the fiscal year ending June 30, 2021, upon certification by the secretary of commerce to the director of accounts and reports and the director of the budget that

the unencumbered balance of the KBA grant commitments account of the state general fund is insufficient to pay an amount necessary to meet the contractual obligation for fiscal year 2021, and upon approval of the director of the budget, the director of accounts and reports shall transfer an amount equal to such certified amount from the state general fund to the KBA grant commitments account of the state general fund of the department of commerce: *Provided*, That the secretary shall transmit a copy of each such certification to the director of legislative research at the same time that the secretary submits a certification to the director of accounts and reports and the director of the budget.

(j) During the fiscal year ending June 30, 2021, notwithstanding the provisions of the Kansas public broadcasting council act, K.S.A. 75-4912 through 75-4926, and amendments thereto, or any other statute, the above agency shall not expend any moneys appropriated for fiscal year 2021 from the state economic development initiatives fund or from any special revenue fund or funds of such agency by chapter 5 of the 2020 Session Laws of Kansas, this or other appropriation act of the 2021 regular session of the legislature to any public broadcasting station that moved to a different location or has a plan to move to a different location, approved by the board of directors or management of such public broadcasting station, during such fiscal year.

Sec. 70.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Tourism operating expenditures (300-00-1000).....\$10,000  
Any unencumbered balance in excess of \$100 as of June 30, 2021, in the KBA grant commitments account of the state general fund is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2022, the following:

Main street program (300-00-1900-1175).....\$825,000  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2021, in the main street program account is hereby reappropriated for fiscal year 2022.

Older Kansans employment program (300-00-1900-1140).....\$503,164  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2021, in the older Kansans employment program account is hereby reappropriated for fiscal year 2022.

Rural opportunity zones program (300-00-1900-1150).....\$1,008,583  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2021, in the rural opportunity zones program account is hereby reappropriated for fiscal year 2022.

Senior community service employment program (300-00-1900-1160).....\$7,941  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2021, in the senior community service employment program account is hereby reappropriated for fiscal year 2022.

Strong military bases program (300-00-1900-1170).....\$195,880  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2021, in the strong military bases program account is hereby reappropriated for fiscal year 2022.

Governor's council of economic advisors (300-00-1900-1185).....\$193,795

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2021, in the governor's council of economic advisors account is hereby reappropriated for fiscal year 2022.

Creative arts industries commission (300-00-1900-1188).....\$502,084

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2021, in the creative arts industries commission account is hereby reappropriated for fiscal year 2022.

Operating grant (including official hospitality) (300-00-1900-1110).....\$8,383,532

*Provided*, That any unencumbered balance in the operating grant (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures may be made from the operating grant (including official hospitality) account for certified development companies that have been determined to be qualified for grants by the secretary of commerce, except that expenditures for such grants shall not be made for grants to more than 10 certified development companies that have been determined to be qualified for grants by the secretary of commerce.

Public broadcasting grants (300-00-1900-1190).....\$500,000

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2021, in the public broadcasting grants account is hereby reappropriated for fiscal year 2022.

Build up Kansas (300-00-1900-1230).....\$125,000

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2021, in the build up Kansas account is hereby reappropriated for fiscal year 2022.

Community development (300-00-1900-1240).....\$644,061

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2021, in the community development account is hereby reappropriated for fiscal year 2022.

International trade (300-00-1900-1250).....\$203,771

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2021, in the international trade account is hereby reappropriated for fiscal year 2022.

Travel and tourism operating expenditures (300-00-1900).....\$1,701,576

*Provided*, That expenditures from this account for official hospitality shall not exceed \$4,000: *Provided further*, That expenditures in the amount of \$100,000 shall be made from this account during the fiscal year ending June 30, 2022, for the purposes of educating farmers and ranchers about leasing, hunting and other agritourism possibilities and to assist in diversifying farm or ranch operations with agritourism business: *And provided further*, That the above agency shall submit a report to the house agriculture and natural resources budget committee on or before February 15, 2022, detailing the agency's efforts to educate and assist farmers and ranchers on agritourism possibilities.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Job creation program fund (300-00-2467-2467).....No limit

Kan-grow engineering fund – KU (300-00-2494-2494).....\$3,500,000

Kan-grow engineering fund – KSU (300-00-2494-2495).....\$3,500,000

Kan-grow engineering fund – WSU (300-00-2494-2496).....\$3,500,000

Kansas creative arts industries commission special

gifts fund (300-00-7004-7004).....	No limit
Governor's council of economic advisors private	
operations fund (300-00-2761-2701).....	No limit
Publication and other sales fund (300-00-2048).....	No limit
Conversion of equipment and materials fund (300-00-2411-2220).....	No limit
Conference registration and disbursement fund (300-00-2049).....	No limit
Reimbursement and recovery fund (300-00-2275).....	No limit
Community development block grant –	
federal fund (300-00-3669).....	No limit
National main street center fund (300-00-7325-7000).....	No limit
IMPACT program services fund (300-00-2176).....	No limit
IMPACT program repayment fund (300-00-7388).....	No limit
Kansas partnership fund (300-00-7525-7020).....	No limit
Publication and other sales fund (300-00-2399-2399).....	No limit
<i>Provided, That in addition to other purposes for which expenditures may be made by the above agency from moneys appropriated from the publication and other sales fund for fiscal year 2022, expenditures may be made from such fund for the purpose of compensating federal aid program expenditures, if necessary, in order to comply with the requirements established by the United States fish and wildlife service for utilization of federal aid funds: Provided further, That all such expenditures shall be in addition to any expenditures made from the publication and other sales fund for fiscal year 2022: And provided further, That the secretary of commerce shall report all such expenditures to the governor and legislature as appropriate.</i>	
General fees fund (300-00-2310).....	No limit
<i>Provided, That expenditures may be made from the general fees fund for loans pursuant to loan agreements, which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under programs of the department.</i>	
Athletic fee fund (300-00-2599-2500).....	No limit
WIOA adult – federal fund (300-00-3270).....	No limit
WIOA youth activities – federal fund (300-00-3039).....	No limit
WIOA dislocated workers – federal fund (300-00-3428).....	No limit
Trade adjustment assistance – federal fund (300-00-3273).....	No limit
Disabled veterans outreach program – federal fund (300-00-3274-3242).....	No limit
Local veterans employment representative program –	
federal fund (300-00-3274-3240).....	No limit
Wagner Peyser employment services –	
federal fund (300-00-3275).....	No limit
Senior community service employment program –	
federal fund (300-00-3100-3510).....	No limit
Indirect cost – federal fund (300-00-2340-2300).....	No limit
Temporary labor certification foreign workers –	
federal fund (300-00-3448).....	No limit
Work opportunity tax credit – federal fund (300-00-3447-3447).....	No limit
American job link alliance – federal fund (300-00-3100-3516).....	No limit
American job link alliance job corps – federal fund (300-00-3100-3512).....	No limit

Child care/development block grant – federal fund (300-00-3028-3028).....	No limit
Enterprise facilitation fund (300-00-2378-2710).....	No limit
Unemployment insurance – federal fund (300-00-3335).....	No limit
State small business credit initiative – federal fund (300-00-3567).....	No limit
Creative arts industries commission gifts, grants and bequests – federal fund (300-00-3210-3218).....	No limit
Kansas creative arts industries commission checkoff fund (300-00-2031-2031).....	No limit
Workforce data quality initiative – federal fund (300-00-3237-3237).....	No limit
AJLA special revenue fund (300-00-2190-2190).....	No limit
RETAIN extension – federal fund (300-00-3770).....	No limit
Coronavirus relief fund – federal fund (300-00-3753).....	No limit
Workforce innovation – federal fund (300-00-3581).....	No limit
Reemployment connections initiative – federal fund (300-00-3585).....	No limit
SBA STEP grant – federal fund (300-00-3573-3573).....	No limit
Apprenticeship USA state – federal fund (300-00-3949).....	No limit
Kansas health profession opportunity project – federal fund (300-00-3951).....	No limit
Second chance grant – federal fund (300-00-3895).....	No limit
H-1B technical skills training grant – federal fund (300-00-3400).....	No limit
State broadband data development grant – federal fund (300-00-3782-3700).....	No limit
Transition assistance program grant – federal fund (300-00-3451-3451).....	No limit

(d) The secretary of commerce is hereby authorized to fix, charge and collect fees during the fiscal year ending June 30, 2022, for: (1) The provision and administration of conferences held for the purposes of programs and activities of the department of commerce and for which fees are not specifically prescribed by statute; (2) sale of publications of the department of commerce and for sale of educational and other promotional items and for which fees are not specifically prescribed by statute; and (3) promotional and other advertising and related economic development activities and services provided under economic development programs and activities of the department of commerce: *Provided*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services, conferences, publications and items, advertising and other economic development activities and services provided under economic development programs and activities of the department of commerce for which fees are not specifically prescribed by statute: *Provided further*, That all such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to one or more special revenue fund or funds of the department of commerce as specified by the secretary of commerce: *And provided further*, That expenditures may be made from such special revenue fund or funds of the department of commerce for fiscal year 2022, in accordance with the provisions of this or other appropriation act of the 2021 regular session of the legislature, for operating expenses incurred in providing such services, conferences, publications and items, advertising, programs and activities and for operating expenses incurred in providing similar economic development

activities and services provided under economic development programs and activities of the department of commerce.

(e) In addition to the other purposes for which expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund or funds for fiscal year 2022 for the department of commerce as authorized by this or other appropriation act of the 2021 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund or funds for fiscal year 2022 for official hospitality.

(f) During the fiscal year ending June 30, 2022, the secretary of commerce, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2022, from the state economic development initiatives fund for the department of commerce to another item of appropriation for fiscal year 2022 from the state economic development initiatives fund for the department of commerce. The secretary of commerce shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(g) Notwithstanding the provisions of K.S.A. 79-4804, and amendments thereto, or any other statute, on July 1, 2021, the director of accounts and reports shall transfer \$15,080,736 from the state economic development initiatives fund (300-00-1900-1100) to the state general fund.

(h) During the fiscal year ending June 30, 2022, upon certification by the secretary of commerce to the director of accounts and reports and the director of the budget that the unencumbered balance of the KBA grant commitments account of the state general fund is insufficient to pay an amount necessary to meet contractual obligations for fiscal year 2022, and upon approval of the director of the budget, the director of accounts and reports shall transfer an amount equal to such certified amount from the state general fund to the KBA grant commitments account of the state general fund of the department of commerce: *Provided*, That the secretary shall transmit a copy of each such certification to the director of legislative research at the same time that the secretary submits a certification to the director of accounts and reports and the director of the budget.

(i) During the fiscal year ending June 30, 2022, notwithstanding the provisions of the Kansas public broadcasting council act, K.S.A. 75-4912 through 75-4926, and amendments thereto, or any other statute, the above agency shall not expend any moneys appropriated for fiscal year 2022 from the state economic development initiatives fund or from any special revenue fund or funds of such agency by this or other appropriation act of the 2021 or 2022 regular session of the legislature to any public broadcasting station that moved to a different location or has a plan to move to a different location, approved by the board of directors or management of such public broadcasting station, during such fiscal year.

Sec. 71.

#### DEPARTMENT OF COMMERCE

(a) During the fiscal year ending June 30, 2023, notwithstanding the provisions of the Kansas public broadcasting council act, K.S.A. 75-4912 through 75-4926, and amendments thereto, or any other statute, the above agency shall not expend any moneys appropriated for fiscal year 2023 from the state economic development

initiatives fund or from any special revenue fund or funds of such agency by this or other appropriation act of the 2021, 2022 or 2023 regular session of the legislature to any public broadcasting station that moved to a different location or has a plan to move to a different location, approved by the board of directors or management of such public broadcasting station, during such fiscal year.

Sec. 72.

DEPARTMENT OF COMMERCE

(a) During the fiscal year ending June 30, 2024, notwithstanding the provisions of the Kansas public broadcasting council act, K.S.A. 75-4912 through 75-4926, and amendments thereto, or any other statute, the above agency shall not expend any moneys appropriated for fiscal year 2024 from the state economic development initiatives fund or from any special revenue fund or funds of such agency by this or other appropriation act of the 2021, 2022, 2023 or 2024 regular session of the legislature to any public broadcasting station that moved to a different location or has a plan to move to a different location, approved by the board of directors or management of such public broadcasting station, during such fiscal year.

Sec. 73.

KANSAS HOUSING RESOURCES CORPORATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State housing trust fund (175-00-7370-7000).....No limit

*Provided*, That all expenditures from the state housing trust fund shall be made by the Kansas housing resources corporation for the purposes of administering and supporting housing programs of the Kansas housing resources corporation.

Sec. 74.

DEPARTMENT OF LABOR

(a) On the effective date of this act, of the \$1,191,921 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 64(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the operating expenditures account (296-00-1000-0503), the sum of \$157 is hereby lapsed.

(b) On the effective date of this act, the director of accounts and reports shall transfer \$11,556 from the operating expenditures account (296-00-1000-0503) of the state general fund to the amusement ride safety account (296-00-1000-0513) of the state general fund.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 134(d) of chapter 5 of the 2020 Session Laws of Kansas on the workmen's compensation fee fund (296-00-2124-2228) of the department of labor for capital improvement purposes is hereby increased from \$885,000 to \$1,345,000.

Sec. 75.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (296-00-1000-0503).....\$1,035,455

*Provided*, That any unencumbered balance in the operating expenditures account in

excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That in addition to the other purposes for which expenditures may be made by the above agency from this account for the fiscal year ending June 30, 2022, expenditures may be made from this account for the costs incurred for court reporting under K.S.A. 72-2218 et seq. and 75-4321 et seq., and amendments thereto: *And provided further*, That expenditures from this account for official hospitality by the secretary of labor shall not exceed \$2,000.

Amusement ride safety (296-00-1000-0513).....\$270,731

*Provided*, That any unencumbered balance in the amusement ride safety account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Workmen's compensation fee fund (296-00-2124-2220).....\$13,003,257  
Occupational health and safety – federal fund (296-00-3339-3210).....No limit  
Employment security interest assessment fund (296-00-2771-2700).....No limit  
Special employment security fund (296-00-2120-2000).....No limit  
Employment security administration fund (296-00-3335-3100).....No limit  
Wage claims assignment fee fund (296-00-2204-2240).....No limit  
Department of labor special projects fund (296-00-2041-2105).....No limit  
Federal indirect cost offset fund (296-00-2302-2280).....No limit

*Provided*, That, notwithstanding the provisions of K.S.A. 44-716a, and amendments thereto, or any statute to the contrary, during fiscal year 2022, the secretary of labor, with the approval of the director of the budget, may transfer from the special employment security fund of the Kansas department of labor to the department of labor federal indirect cost offset fund the portion of such amount that is determined necessary to be in compliance with the employment security law: *Provided further*, That, upon approval of any such transfer by the director of the budget, notification will be provided to the Kansas legislative research department.

Employment security fund (296-00-7056-7200).....No limit  
Labor force statistics federal fund (296-00-3742-3742).....No limit  
Compensation and working conditions federal fund (296-00-3743-3743).....No limit  
Employment services Wagner-Peyser funded activities federal fund (296-00-3275-3275).....No limit  
Dispute resolution fund (296-00-2587-2270).....No limit

*Provided*, That all moneys received by the secretary of labor for reimbursement of expenditures for the costs incurred for mediation under K.S.A. 72-2232, and amendments thereto, and for fact-finding under K.S.A. 72-2233, and amendments thereto, shall be deposited in the state treasury and credited to the dispute resolution fund: *Provided further*, That expenditures may be made from this fund to pay the costs incurred for mediation under K.S.A. 72-2232, and amendments thereto, and for fact-finding under K.S.A. 72-2233, and amendments thereto, subject to full reimbursement therefor by the board of education and the professional employees' organization involved in such mediation and fact-finding procedures.

Indirect cost fund (296-00-2781-2781).....No limit  
Workforce data quality initiative – federal fund (296-00-3237-3237).....No limit

Employment security fund clearing account (296-00-7055-7100).....	No limit
Employment security fund benefit account (296-00-7054-7000).....	No limit
Employment security fund – special suspense account (296-00-7057-7300).....	No limit
Employment security fund trust account (296-00-7056-7200).....	No limit
Special wage payment clearing trust fund (296-00-7362-7500).....	No limit
Economic adjustment assistance – federal fund (296-00-3415-3415).....	No limit
Social security administration disability – federal fund (296-00-3309-3309).....	No limit
Amusement ride safety fund (296-00-2224-2250).....	No limit
KDOL off-budget fund (296-00-6112-6100).....	No limit
Renovation bond fund (296-00-8432-8411).....	No limit
SNAP employment and training pilot – federal fund (296-00-3321-3350).....	No limit
Anti-human trafficking – federal fund (296-00-3644-3644).....	No limit
Coronavirus relief fund (296-00-3753).....	No limit

Sec. 76.

KANSAS COMMISSION ON VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures – administration (694-00-1000-0103).....\$592,236

*Provided*, That any unencumbered balance in the operating expenditures – administration account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Operating expenditures – veteran services (694-00-1000-0203).....\$984,776

*Provided*, That any unencumbered balance in the operating expenditures – veteran services account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,500.

Operations – state veterans cemeteries (694-00-1000-0703).....\$611,447

*Provided*, That any unencumbered balance in the operations – state veterans cemeteries account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,200.

Operating expenditures – Kansas soldiers' home (694-00-1000-0403).....\$1,852,514

*Provided*, That any unencumbered balance in the operating expenditures – Kansas soldiers' home account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Operating expenditures – Kansas veterans' home (694-00-1000-0503).....\$543,520

*Provided*, That any unencumbered balance in the operating expenditures – Kansas veterans' home account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Veterans claim assistance program – service grants (694-00-1000-0903).....\$700,000

*Provided*, That any unencumbered balance in the veterans claim assistance program – service grants account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures from the veterans claim assistance program – service grants account shall be made only for the purpose of awarding service grants to veterans service organizations for the purpose of aiding

veterans in obtaining federal benefits: *Provided, however,* That no expenditures shall be made by the Kansas commission on veterans affairs office from the veterans claim assistance program – service grants account for operating expenditures or overhead for administering the grants in accordance with the provisions of K.S.A. 73-1234, and amendments thereto.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Soldiers' home fee fund (694-00-2241-2100).....	No limit
Soldiers' home benefit fund (694-00-7903-5400).....	No limit
Soldiers' home work therapy fund (694-00-7951-5600).....	No limit
Soldiers' home medicare fund (694-00-3168-3100).....	No limit
Soldiers' home medicaid fund (694-00-2464-2464).....	No limit
Veterans' home medicare fund (694-00-3893-3893).....	No limit
Veterans' home medicaid fund (694-00-2469-2469).....	No limit
Veterans' home fee fund (694-00-2236-2200).....	No limit
Veterans' home canteen fund (694-00-7809-5300).....	No limit
Veterans' home benefit fund (694-00-7904-5500).....	No limit
Soldiers' home outpatient clinic fund (694-00-2258-2300).....	No limit
State veterans cemeteries fee fund (694-00-2332-2600).....	No limit
State veterans cemeteries donations and contributions fund (694-00-7308-5200).....	No limit
Outpatient clinic patient federal reimbursement fund – federal (694-00-3205-3300).....	No limit
VA burial reimbursement fund – federal (694-00-3212-3310).....	No limit
Federal domiciliary per diem fund (694-00-3220).....	No limit
Federal long term care per diem fund (694-00-3232).....	No limit
Commission on veterans affairs federal fund (694-00-3241-3340).....	No limit
Kansas veterans memorials fund (694-00-7332-5210).....	No limit
Vietnam war era veterans' recognition award fund (694-00-7017-7000).....	No limit
Kansas hometown heroes fund (694-00-7003-7001).....	No limit
Persian gulf war veterans health initiatives fund (694-00-2304-2500).....	No limit
Construction state home facilities fund (694-00-3018-3000).....	No limit
State cemetery grants fund (694-00-3048).....	No limit
Kansas soldier home construction grant fund (694-00-3075).....	No limit
Winfield veterans home acquisition construction fund (694-00-8806-8200)....	No limit
Coronavirus relief fund (694-00-3753).....	No limit
CARES provider relief fund (694-00-3754).....	No limit
Veterans benefit lottery game fund (694-00-2303).....	No limit

*Provided,* That expenditures from the veterans benefit lottery game fund shall be in an amount equal to 50% for operating expenditures and capital improvements of the above agency, or for the use and benefit of the Kansas veterans' home, the Kansas soldiers' home and the state veterans cemetery system; and 50% for the veterans enhanced service delivery program.

(c) (1) During the fiscal year ending June 30, 2022, notwithstanding the provisions of K.S.A. 73-1231, 73-1233, 75-3728g, 76-1906 or 76-1953, and amendments thereto,

or any other statute, the director of the Kansas commission on veterans affairs office, with the approval of the director of the budget, may transfer moneys that are credited to a special revenue fund of the Kansas commission on veterans affairs office to another special revenue fund of the Kansas commission on veterans affairs office. The director of the Kansas commission on veterans affairs office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(2) As used in this subsection, "special revenue fund" means the soldiers' home fee fund (694-00-2241-2100), veterans' home fee fund (694-00-2236-2200), soldiers' home outpatient clinic fund (694-00-2258-2300), soldiers' home benefit fund (694-00-7903-5400), soldiers' home work therapy fund (694-00-7951-5600), veterans' home canteen fund (694-00-7809-5300), veterans' home benefit fund (694-00-7904-5500), Persian Gulf War veterans health initiative fund (694-00-2304-2500), state veterans cemeteries fee fund (694-00-2332-2600), state veterans cemeteries donations and contributions fund (694-00-7308-5200) and Kansas veterans memorials fund (694-00-7332-5210).

(d) During the fiscal year ending June 30, 2022, the director of the Kansas commission on veterans affairs office, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2022, from the state general fund for the Kansas commission on veterans affairs office or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs office to another item of appropriation for fiscal year 2022 from the state general fund for the Kansas commission on veterans affairs office or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs office. The director of the Kansas commission on veterans affairs office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) During the fiscal year ending June 30, 2022, the director of the Kansas commission on veterans affairs office, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2022, from the state general fund for the Kansas commission on veterans affairs office to the Vietnam war era veterans' recognition award fund (694-00-7017-7000). The director of the Kansas commission on veterans affairs office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(f) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,260,000 from the lottery operating fund (450-00-5123-5100) of the Kansas lottery to the veterans benefit lottery game fund (694-00-2303-2303) of the Kansas commission on veterans affairs office.

Sec. 77.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF PUBLIC HEALTH

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

State trauma fund (264-00-1000-1720).....\$150,000

(b) On the effective date of this act, of the \$5,244,144 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 68(a) of chapter 5 of the

2020 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account (264-00-1000-0202), the sum of \$323,892 is hereby lapsed.

(c) On the effective date of this act, of the \$3,394,066 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 68(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) – health account (264-00-1000-0270), the sum of \$684,487 is hereby lapsed.

(d) On the effective date of this act, of the \$12,570,690 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 68(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the aid to local units – primary health projects account (264-00-1000-0460), the sum of \$116,124 is hereby lapsed.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the moneys that are identified as moneys from the federal government for coronavirus relief aid to the state of Kansas and appropriated in any special revenue fund or funds for fiscal year 2021, as authorized by section 68 of chapter 5 of the 2020 Session Laws of Kansas, this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys appropriated from such special revenue fund or funds for fiscal year 2021 to reimburse for testing certified testing laboratories that have entered into an agreement with the above agency and are providing community COVID-19 testing to the general public.

Sec. 78.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF PUBLIC HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (including official hospitality) (264-00-1000-0202).....\$4,157,704

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Operating expenditures (including official hospitality) – health (264-00-1000-0270).....\$3,410,238

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) – health account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Vaccine purchases (264-00-1000-0900).....\$329,607

*Provided*, That any unencumbered balance in the vaccine purchases account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Aid to local units (264-00-1000-0350).....\$5,805,709

*Provided*, That any unencumbered balance in the aid to local units account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That, except as provided in subsection (k), all expenditures from this account for state financial assistance to local health departments shall be in accordance with the formula prescribed by K.S.A. 65-241 through 65-246, and amendments thereto.

Aid to local units – primary health projects (264-00-1000-0460).....\$12,570,690

*Provided*, That any unencumbered balance in the aid to local units – primary health projects account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That prescription support expenditures shall be made from the aid to local units – primary health projects account for: (1) Purchasing drug inventory under section 340B of the federal public health service act for community health center grantees and federally qualified health center look-alikes who qualify; (2) increasing access to prescription drugs by subsidizing a portion of the costs for the benefit of patients at section 340B participating clinics on a sliding fee scale; and (3) expanding access to prescription medication assistance programs by making expenditures to support operating costs of assistance programs: *And provided further*, That funded clinics shall be not-for-profit or publicly funded primary care clinics or dental clinics, including federally qualified community health centers and federally qualified community health center look-alikes, as defined by 42 U.S.C. § 330, that provide comprehensive primary health care or dental services, offer sliding fee discounts based upon household income and serve any person regardless of ability to pay and have a unique patient panel that, at a minimum, represents the income-based disparities of the community: *And provided further*, That policies determining patient eligibility due to income or insurance status may be determined by each community but must be clearly documented and posted: *And provided further*, That of the moneys appropriated in the aid to local units – primary health projects account, not less than \$12,570,690 shall be distributed for community-based primary care grants and services provided by the community care network of Kansas.

Infant and toddler program (264-00-1000-0570).....\$4,000,000

Aid to local units – women's wellness (264-00-1000-0610).....\$94,296

*Provided*, That any unencumbered balance in the aid to local units – women's wellness account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That all expenditures from the aid to local units – women's wellness account shall be in accordance with grant agreements entered into by the secretary of health and environment and grant recipients.

Immunization programs (264-00-1000-1400).....\$397,418

*Provided*, That any unencumbered balance in the immunization programs account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Breast cancer screening program (264-00-1000-1300).....\$219,336

*Provided*, That any unencumbered balance in the breast cancer screening program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Pregnancy maintenance initiative (264-00-1000-1100).....\$338,846

*Provided*, That any unencumbered balance in the pregnancy maintenance initiative account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Cerebral palsy posture seating (264-00-1000-1500).....\$303,537

*Provided*, That any unencumbered balance in the cerebral palsy posture seating account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures may be made by the above agency from the cerebral palsy posture seating account for posture seating for adults.

PKU treatment (264-00-1000-1710).....\$199,274

*Provided*, That any unencumbered balance in the PKU treatment account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Teen pregnancy prevention activities (264-00-1000-0650).....\$338,846

*Provided*, That any unencumbered balance in the teen pregnancy prevention activities account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

State trauma fund (264-00-1000-1720).....\$300,000

*Provided*, That any unencumbered balance in the state trauma fund in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Lyme disease prevention and research (264-00-1000-0670).....\$140,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Disease control and prevention investigations

and technical assistance – federal fund (264-00-3150).....No limit

Health and environment training fee fund – health (264-00-2183-2160).....No limit

*Provided*, That expenditures may be made from the health and environment training fee fund – health for acquisition and distribution of division of public health program literature and films and for participation in or conducting training seminars for training employees of the division of public health of the department of health and environment, for training recipients of state aid from the division of public health of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of public health: *Provided further*, That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: *And provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the health and environment training fee fund – health: *And provided further*, That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of public health from moneys appropriated from the health and environment training fee fund – health for fiscal year 2022, expenditures may be made by the department of health and environment from the health and environment training fee fund – health for fiscal year 2022 for agency operations for the division of public health.

Health facilities review fund (264-00-2505-2250).....No limit

Insurance statistical plan fund (264-00-2243-2840).....No limit

Health and environment publication fee fund – health (264-00-2541-2190)....No limit

*Provided*, That expenditures from the health and environment publication fee fund – health shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662, and amendments thereto.

District coroners fund (264-00-2653-2320).....No limit

Sponsored project overhead fund – health (264-00-2912-2710).....No limit

Tuberculosis elimination and laboratory – federal fund (264-00-17-3559-3559).....No limit

Maternity centers and child care facilities licensing fee fund (264-00-2731-2731).....	No limit
Child care and development block grant – federal fund (264-00-3028-3450).....	No limit
Federal supplemental funding for tobacco prevention and control – federal fund (264-00-3574-3574).....	No limit
Coordinated chronic disease prevention and health promotion program – federal fund (264-00-3575-3575).....	No limit
Office of rural health – federal fund (264-00-3031-3640).....	No limit
Emergency medical services for children – federal fund (264-00-3292-3292).....	No limit
Primary care offices – federal fund (264-00-3293-3293).....	No limit
Injury intervention – federal fund (264-00-3294-3294).....	No limit
Oral health workforce activities – federal fund (264-00-3297-3297).....	No limit
Rural hospital flex program – federal fund (264-00-3298-3298).....	No limit
Hospital bioterrorism preparedness – federal fund (264-00-3398-3398).....	No limit
Kansas coalition against sexual and domestic violence – federal fund (264-00-17-3907-3907).....	No limit
ARRA collaborative component I – federal fund (264-00-3890-3891).....	No limit
ARRA collaborative component III – federal fund (264-00-17-3890-3892).....	No limit
ARRA ambulatory surgical center ASC/HAI medicare – federal fund (264-00-3486-3486).....	No limit
Medicare – federal fund (264-00-3064-3062).....	No limit
<i>Provided</i> , That transfers of moneys from the medicare – federal fund to the state fire marshal may be made during fiscal year 2022 pursuant to a contract, which is hereby authorized to be entered into by the secretary of health and environment and the state fire marshal to provide fire and safety inspections for hospitals.	
Migrant health program – federal fund (264-00-3069-3070).....	No limit
Tuberculosis prevention – federal fund (264-00-3071-4610).....	No limit
Strengthen public health immunization infrastructure – federal fund (264-00-3568-3568).....	No limit
Healthy homes and lead poisoning prevention – federal fund (264-00-3572-3572).....	No limit
Children's mercy hospital lead program – federal fund (264-00-3152-3154).....	No limit
Women, infants and children health program – federal fund (264-00-3077-3103).....	No limit
Immunization and vaccines for children grants – federal fund (264-00-3747-3741).....	No limit
Home visiting grant – federal fund (264-00-3503-3503).....	No limit
Preventive health block grant – federal fund (264-00-3614-3200).....	No limit
Maternal and child health block grant – federal fund (264-00-3616-3210).....	No limit
National center for health statistics – federal fund (264-00-3617-3220).....	No limit
Title X family planning services program – federal fund (264-00-3622-3271).....	No limit
Comprehensive STD prevention systems – federal fund (264-00-3070-3080).....	No limit
Make a difference information network –	

federal fund (264-00-3234-3234).....	No limit
Ryan White title II – federal fund (264-00-3328-3310).....	No limit
Bicycle helmet distribution – federal fund (264-00-3815-3815).....	No limit
Bicycle helmet revolving fund (264-00-2575-2630).....	No limit
SSA fee fund (264-00-2269-2030).....	No limit
Childhood lead poisoning prevention program –	
federal fund (264-00-3296-3296).....	No limit
State implementation projects for prevention of secondary conditions –	
federal fund (264-00-3087-4405).....	No limit
Title IV-E – federal fund (264-00-3326-3900).....	No limit
HIV prevention projects – federal fund (264-00-3740-3521).....	No limit
HIV/AIDS surveillance – federal fund (264-00-3399-3399).....	No limit
Infants & toddlers Prt C – federal fund (264-00-3516-3171).....	No limit
Universal newborn hearing screening – federal fund (264-00-3459-3459).....	No limit
State loan repayment program – federal fund (264-00-3760-3755).....	No limit
Opt-out testing initiative – federal fund (264-00-3801-3801).....	No limit
Adult lead surveillance data – federal fund (264-00-3496-3496).....	No limit
Medical reserve corps contract – federal fund (264-00-3502-3502).....	No limit
Trauma fund (264-00-2513-2230).....	No limit
<i>Provided</i> , That expenditures may be made by the department of health and environment for fiscal year 2022 from the trauma fund of the department of health and environment – division of public health for the stroke prevention project: <i>Provided further</i> , That expenditures from the trauma fund for official hospitality shall not exceed \$3,000.	
Homeland security – federal fund (264-00-3329-3319).....	No limit
Refugee assistance – federal fund (264-00-3378-3345).....	No limit
Personal responsibility education program –	
federal fund (264-00-3494-3494).....	No limit
Kansas vital records for quality improvement –	
federal fund (264-00-3098-3098).....	No limit
Kansas early detection works breast & cervical cancer screening services –	
federal fund (264-00-3099-3099).....	No limit
Kansas public health approaches for ensuring quitline capacity –	
federal fund (264-00-3097-3097).....	No limit
Diagnostic x-ray program – federal fund (264-00-3511-3160).....	No limit
HRSA small hospital improvement grant program –	
federal fund (264-00-3371-3371).....	No limit
State indoor radon grant – federal fund (264-00-3884-3930).....	No limit
Gifts, grants and donations fund – health (264-00-7311-7090).....	No limit
Special bequest fund – health (264-00-7366-7050).....	No limit
Civil registration and health statistics fee fund (264-00-2291-2295).....	No limit
Power generating facility fee fund (264-00-2131-2130).....	No limit
Nuclear safety emergency preparedness special	
revenue fund (264-00-2415-2280).....	No limit
<i>Provided</i> , That all moneys received by the department of health and environment – division of public health from the nuclear safety emergency management fee fund (034-	

00-2081-2200) of the adjutant general shall be credited to the nuclear safety emergency preparedness special revenue fund of the department of health and environment – division of public health: *Provided further*, That expenditures from the nuclear safety emergency preparedness special revenue fund for official hospitality shall not exceed \$2,500.

Radiation control operations fee fund (264-00-2531-2530).....No limit  
*Provided*, That expenditures from the radiation control operations fee fund for official hospitality shall not exceed \$2,000.

Lead-based paint hazard fee fund (264-00-2289-2140).....No limit

Strengthening public health infrastructure – federal fund (264-00-3547-3547).....No limit

Improving minority health – federal fund (264-00-3548-3548).....No limit

Abstinence education – federal fund (264-00-3549-3549).....No limit

Affordable care act – federal fund (264-00-3546-3546).....No limit

Carbon monoxide detector/fire injury prevention – federal fund (264-00-3508-3508).....No limit

Health information exchange – federal fund (264-00-3493-3493).....No limit

Kansas newborn screening fund (264-00-2027-2027).....No limit

Actions to prevent and control diabetes, heart disease, and obesity – federal fund (264-00-3749-3742).....No limit

Healthy start initiative – federal fund (264-00-3751-3751).....No limit

Immunization capacity building assistance – federal fund (264-00-3744-3744).....No limit

Hospital preparedness and response program for Ebola – federal fund (264-00-3033-3033).....No limit

CDC multipurpose grant federal fund (264-00-3243-3243).....No limit

Kansas newborn screening information system maintenance and enhancement federal fund (264-00-3612-3612).....No limit

Lifting young families toward excellence federal fund (264-00-3627-3627).....No limit

Cancer registry federal fund (264-00-3008-3040).....No limit

Hospital preparedness Ebola – federal fund (264-00-3093-3093).....No limit

Kansas survivor care quality initiative – federal fund (264-00-3101-3610).....No limit  
 Zika birth defects surveillance & referral – federal fund (264-00-3102-3620).....No limit

IDEA infant toddler-part C-ARRA – federal fund (264-00-3282-3282).....No limit

SAMHSA project launch intv. – federal fund (264-00-3284-3284).....No limit

Immunization grant – federal fund (264-00-3372-3150).....No limit

Small hospital improvement program – federal fund (264-00-3392-3392).....No limit

Cardiovascular health program – federal fund (264-00-3401-3407).....No limit  
 Kansas senior farmers market nutrition program – federal fund (264-00-3406-3406).....No limit

Lead poisoning preventive health – federal fund (264-00-3626-4132).....No limit

ARRA – WIC grants to states – federal fund (264-00-3750-3750).....No limit

Census of trauma occp fatal. – federal fund (264-00-3797-3670).....No limit

Homeland security grant-KHP – federal fund (264-00-3199-3199).....No limit

Refugee health – federal fund (264-00-3393-3393).....No limit

ARRA – migrant – federal fund (264-00-3396-3396).....	No limit
ARRA – transfer from SRS – federal fund (264-00-3471-3471).....	No limit
Public health crisis response – federal fund (264-00-3602-3602).....	No limit
Diabetes & heart disease & stroke prevention programs –	
federal fund (264-00-3603-3603).....	No limit
Innovative state & local public health strategies to prevent & manage	
diabetes and heart disease and stroke – federal fund (264-00-3604-3604).....	No limit
Kansas actions to improve oral health outcomes –	
federal fund (264-00-3921-3921).....	No limit
ARRA – survey, licensure and epidemiology –	
federal fund (264-00-3746-3746).....	No limit
Campus sexual assault prevention grant –	
federal fund (264-00-3035-3035).....	No limit
Alzheimer's association inclusion –	
federal fund (264-00-3607-3607).....	No limit
ESSA preschool development grants birth through	
five – federal fund (264-00-3608-3608).....	No limit
Preventing maternal deaths – federal fund (264-00-3896-3896).....	No limit
Right-to-know fee fund (264-00-2325-2325).....	No limit
Child care criminal background and fingerprint fund (264-00-2313-2313).....	No limit
Kansas tobacco control program – federal fund (264-00-3598-3598).....	No limit
Colorectal cancer screening – federal fund (264-00-3599-3599).....	No limit
Arthritis evidence based interventions – federal fund (264-00-3755-3756).....	No limit
Coronavirus relief fund (264-00-3753).....	No limit

(c) On July 1, 2021, and on other occasions during fiscal year 2022, when necessary as determined by the secretary of health and environment, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment that constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs from specified special revenue funds of the department of health and environment – division of public health or of the department of health and environment – division of environment to the sponsored project overhead fund – health (264-00-2912-2715) of the department of health and environment – division of public health.

(d) During the fiscal year ending June 30, 2022, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment – division of public health that have available moneys to the sponsored project overhead fund – health (264-00-2912-2710) of the department of health and environment – division of public health for expenditures, as the case may be, for administrative expenses.

(e) During the fiscal year ending June 30, 2022, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment – division of public health to the sponsored project overhead fund – health (264-00-2912-2710) of the department of health and environment – division of public health pursuant to this section may include amounts not to exceed 25% of the expenditures from such special revenue fund or funds, excepting expenditures for contractual services.

(f) During the fiscal year ending June 30, 2022, the secretary of health and environment, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2022 from the state general fund for the department of health and environment – division of public health or the department of health and environment – division of environment to another item of appropriation for fiscal year 2022 from the state general fund for the department of health and environment – division of public health or the department of health and environment – division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(g) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health from moneys appropriated from the district coroners fund for fiscal year 2022, as authorized by this or other appropriation act of the 2021 regular session of the legislature, and notwithstanding the provisions of K.S.A. 22a-245, and amendments thereto, or any other statute, expenditures may be made by the department of health and environment – division of public health from such moneys appropriated from the district coroners fund (264-00-2653-2320) of the department of health and environment – division of public health for fiscal year 2022 pursuant to K.S.A. 22a-242, and amendments thereto.

(h) On July 1, 2021, the director of accounts and reports shall transfer \$200,000 from the health care stabilization fund (270-00-7404-2100) of the health care stabilization fund board of governors to the health facilities review fund (264-00-2505-2250) of the department of health and environment – division of public health for the purpose of financing a review of records of licensed medical care facilities and an analysis of quality of health care services provided to assist in correcting substandard services and to reduce the incidence of liability resulting from the rendering of health care services and implementing the risk management provisions of K.S.A. 65-4922 et seq., and amendments thereto.

(i) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2022, the following:

- Healthy start (264-00-2000-2105).....\$250,000  
*Provided*, That any unencumbered balance in the healthy start account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.
- Infants and toddlers program (264-00-2000-2107).....\$5,800,000  
*Provided*, That any unencumbered balance in the infants and toddlers program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.
- Smoking prevention (264-00-2000-2109).....\$1,001,960  
*Provided*, That any unencumbered balance in the smoking prevention account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.
- Newborn hearing aid loaner program (264-00-2000-2113).....\$50,773  
*Provided*, That any unencumbered balance in the newborn hearing aid loaner program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.
- SIDS network grant (264-00-2000-2115).....\$96,374  
*Provided*, That any unencumbered balance in the SIDS network grant account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(j) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health during fiscal year 2022 from moneys appropriated from the state general fund or any special revenue fund or funds by this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made from such moneys to contract for the services of one or more persons to survey and certify dialysis treatment facilities located in the state of Kansas: *Provided*, That, if the above agency has not surveyed a newly constructed dialysis treatment facility within one year after the operator of the facility notifies the above agency that the facility is operational, then the above agency may charge the cost of any survey performed on the facility to the operator of such facility: *Provided further*, That any expenditure of moneys and any survey conducted pursuant to this subsection shall comply with requirements imposed by federal law.

(k) On July 1, 2021, the breast and cervical cancer program and detection – federal fund (264-00-3150-3350) of the department of health and environment – division of public health is hereby redesignated as the disease control and prevention investigations and technical assistance – federal fund (264-00-3150) of the department of health and environment – division of public health.

(l) Notwithstanding the provisions of K.S.A. 65-242, and amendments thereto, or any other statute to the contrary, during the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2022 by this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys to distribute to each local health department an amount not less than \$12,000 upon application therefor in accordance with K.S.A. 65-242, and amendments thereto: *Provided*, That any remaining moneys appropriated for such purpose, if any, after making distributions in accordance with this subsection shall be distributed in accordance with K.S.A. 65-242, and amendments thereto: *Provided, however*, That, if sufficient funds are not available to make a minimum distribution of \$12,000, then the provisions of K.S.A. 65-242, and amendments thereto, shall control.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the moneys that are identified as moneys from the federal government for coronavirus relief aid to the state of Kansas and appropriated in any special revenue fund or funds for fiscal year 2022, as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys appropriated from such special revenue fund or funds for fiscal year 2022 to reimburse for testing certified testing laboratories that have entered into an agreement with the above agency and are providing community COVID-19 testing to the general public.

Sec. 79.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF HEALTH CARE FINANCE

(a) On the effective date of this act, of the \$22,185,505 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 70(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the health policy operating expenditures account (264-00-1000-0010), the sum of \$2,502,235 is hereby lapsed.

(b) On the effective date of this act, of the \$729,950,000 appropriated for the above

agency for the fiscal year ending June 30, 2021, by section 70(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the other medical assistance account (264-00-1000-3026), the sum of \$99,751,297 is hereby lapsed.

Sec. 80.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Health policy operating expenditures (264-00-1000-0010).....\$22,220,706

*Provided*, That any unencumbered balance in the health policy operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*; That expenditures shall be made from the health policy operating expenditures account of the above agency for the drug utilization review board to perform an annual review of the approved exemptions to the current single source limit by program.

Children's health insurance program (264-00-1000-0060).....\$22,388,662

*Provided*, That any unencumbered balance in the children's health insurance program in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Other medical assistance (264-00-1000-3026).....\$759,750,000

*Provided*, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*; That expenditures may be made from the other medical assistance account by the above agency for the purpose of implementing or expanding any prior authorization project: *And provided further*; That an evaluation of the automated implementation, savings obtained from implementation, and other outcomes of the implementation or expansion shall be submitted to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight prior to the start of the regular session of the legislature in 2022.

Wichita center for graduate medical education (264-00-1000-3027).....\$2,950,000

*Provided*, That any unencumbered balance in the Wichita center for graduate medical education account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Graduated medical education (264-00-1000-3028).....\$1,300,000

*Provided*, That any unencumbered balance in the graduated medical education account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Preventive health care program fund (264-00-2556-2550).....\$500,000

Division of health care finance special revenue fund (264-00-2360-2350).....No limit

*Provided*, That expenditures from the division of health care finance special revenue fund for the fiscal year ending June 30, 2022, for official hospitality shall not exceed \$1,000.

Health committee insurance fund (264-00-2569-2500).....No limit

Health care database fee fund (264-00-2578-2570).....No limit

Association assistance plan fund (264-00-2391-2391).....	No limit
Medical programs fee fund (264-00-2395-0110).....	\$143,519,270
Medical assistance fee fund (264-00-2185-2185).....	No limit
Other state fees fund (264-00-2440-0100).....	No limit
Health care access improvement fund (264-00-2443-2215).....	No limit
Children's health insurance program federal fund (264-00-3424-0540).....	No limit
State planning – health care – uninsured fund (264-00-3483-3483).....	No limit
HIV care formula grant federal fund (264-00-3328-3311).....	No limit
Medical assistance program federal fund (264-00-3414-0440).....	No limit
Quality based community assessment fund (264-00-2760-2760).....	No limit
KEES interagency transfer fund (264-00-17-6001-6001).....	No limit
Energy assistance block grant (264-00-3305-3305).....	No limit
Temporary assistance for needy families (264-00-3323-3530).....	No limit
Title IV-E – adoption assistance (264-00-3357-3357).....	No limit

(c) During the fiscal year ending June 30, 2022, any moneys donated or granted to the division of health care finance of the department of health and environment and any federal funds received as match to such donations or grants by the division of health care finance of the department of health and environment for the fiscal year ending June 30, 2022, shall only be expended by the division of health care finance of the department of health and environment to assist the clearinghouse in reducing any backlogs or waiting lists, unless otherwise specified by the donor or grantor: *Provided*, That any donated or granted moneys, and the matching moneys received therefor from the federal centers for medicare and medicaid services, shall not be used to supplant or replace funds already budgeted for the clearinghouse or to restore any other reductions in funding to the clearinghouse or the agency, unless otherwise specified by the donor or grantor.

(d) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 by this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys to implement and require any managed care organization providing state medicaid services under the Kansas medical assistance program to implement a policy to provide at least a 60-day admission for individuals requiring inpatient treatment in a psychiatric residential treatment facility, as determined by a managed care organization providing state medicaid services under the Kansas medical assistance program, without imposing any prior authorization requirements to receive such admission or treatment.

(e) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 by this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys to set the monthly protected income level for purposes of determining the person's client obligation at an amount equal to:

(1) \$1,177 per month for any person in Kansas receiving home and community-based services administered under section 1915(c) of the federal social security act; and

(2) 300% of federal supplemental security income for any person in Kansas receiving services from a program of all-inclusive care for the elderly administered by the Kansas department for aging and disability services.

(f) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 by this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys to implement analytical and publicly available reporting that is compliant with the privacy rule of the administrative simplification subtitle of the health insurance portability and accountability act of 1996 (Pub. L. No. 104-191), and any federal regulations adopted thereunder, to measure outcomes and effectiveness of the health homes program known as onecare Kansas and to assist providers with the provisions of the health homes program.

(g) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 by this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys to submit to the United States centers for medicare and medicaid services a waiver request to allow for medicaid reimbursement for inpatient psychiatric acute care.

(h) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2022, as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2022, to suspend, and not terminate medicaid coverage of inmates in the custody of the department of corrections during the period of such inmate's incarceration for the purposes of reinstating coverage for such inmate during any period of time during fiscal year 2022 that such inmate is eligible for coverage.

(i) During the fiscal year ending June 30, 2022, notwithstanding the provisions of any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 by this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys to pay hospitals and physicians at the medicaid rate established in fiscal year 2021: *Provided*, That such rate shall not be adjusted prior to January 1 or July 1 immediately following the publication in the Kansas register of the approval of the hospital provider assessment rate adjustments made to K.S.A. 65-6208, and amendments thereto, by section 9 of chapter 10 of the 2020 Session Laws of Kansas.

(j) On July 1, 2021, or as soon thereafter as moneys are available, if legislation that expands or expressly consents to expand eligibility for the receipt of medical assistance benefits as provided in the federal patient protection and affordable care act, public law 111-148, and the federal health care and education reconciliation act of 2010, public law

111-152, has not been passed by the legislature during the 2021 regular session and enacted into law, then the director of accounts and reports shall transfer \$19,000,000 from the other medical assistance account (264-00-1000-3026) of the state general fund to the children's health insurance program account (264-00-1000-0060) of the state general fund: *Provided*, That, if such transfer occurs, then the above agency shall expend such transferred moneys for the purpose of paying the state share of the children's health insurance program.

(k) On July 1, 2021, if legislation that expands or expressly consents to expand eligibility for the receipt of medical assistance benefits as provided in the federal patient protection and affordable care act, public law 111-148, and the federal health care and education reconciliation act of 2010, public law 111-152, has not been passed by the legislature during the 2021 regular session and enacted into law, then the expenditure limitation established for the fiscal year ending June 30, 2022, by this or any other appropriation act of the 2021 regular session of the legislature on the medical programs fee fund (264-00-2395-0110) of the department of health and environment – division of health care finance is hereby decreased from \$143,519,270 to \$141,319,270.

(l) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds as authorized by this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by such agency from such moneys to establish a prospective payment system under the medical assistance program for funding certified community behavioral health clinics certified by the Kansas department for aging and disability services: *Provided*, That such payment system shall permit payment by either daily or monthly rates: *And provided further*, That the above agency shall submit to the United States centers for medicare and medicaid services any approval request necessary to implement this subsection.

Sec. 81.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF ENVIRONMENT

(a) On the effective date of this act, of the \$4,365,133 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 72(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account (264-00-1000-0300), the sum of \$358,099 is hereby lapsed.

Sec. 82.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (including official  
hospitality) (264-00-1000-0300).....\$4,057,315

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter

lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Mined-land conservation and reclamation fee fund (264-00-2233-2220).....No limit
- Solid waste management fund (264-00-2271-2075).....No limit
- Provided*, That expenditures may be made from the solid waste management fund during the fiscal year ending June 30, 2022, for official hospitality: *Provided further*, That such expenditures for official hospitality shall not exceed \$2,500.
- Public water supply fee fund (264-00-2284-2085).....No limit
- Voluntary cleanup fund (264-00-2288-2120).....No limit
- Storage tank fee fund (264-00-2293-2090).....No limit
- Air quality fee fund (264-00-2020-2830).....No limit
- Hazardous waste collection fund (264-00-2099-2010).....No limit
- Health and environment training fee fund – environment (264-00-2175-2170).....No limit
- Provided*, That expenditures may be made from the health and environment training fee fund – environment for acquisition and distribution of division of environment program literature and films and for participation in or conducting training seminars for training employees of the division of environment of the department of health and environment, for training recipients of state aid from the division of environment of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of environment: *Provided further*, That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: *And provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the health and environment training fee fund – environment: *And provided further*, That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of environment from moneys appropriated from the health and environment training fee fund – environment for fiscal year 2022, expenditures may be made by the department of health and environment from the health and environment training fee fund – environment for fiscal year 2022 for agency operations for the division of environment.
- Driving under the influence fund (264-00-2101-2020).....No limit
- Waste tire management fund (264-00-2635-2820).....No limit
- Health and environment publication fee fund – environment (264-00-2544-2195).....No limit
- Provided*, That expenditures from the health and environment publication fee fund – environment shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662, and amendments thereto.
- Local air quality control authority regulation services fund (264-00-2657-2330) .....No limit
- Environmental response fund (264-00-2662-2400).....No limit
- Sponsored project overhead fund – environment (264-00-2911-2720).....No limit

Chemical control fee fund (264-00-2212-2360).....	No limit
QuantIFERON TB laboratory fund (264-00-2458-2460).....	No limit
Resource conservation and recovery act –	
federal fund (264-00-3586-3190).....	No limit
Water supply – federal fund (264-00-3295-3130).....	No limit
Air quality section 103 – federal fund (264-00-3248-3246).....	No limit
EPA – core support – federal fund (264-00-3040-3000).....	No limit
Network exchange grant – federal fund (264-00-3267-3267).....	No limit
Kansas clean diesel grant – federal fund (264-00-3249-3250).....	No limit
Air quality program – federal fund (264-00-3072-3090).....	No limit
Sec. 106 monitoring initiative – federal fund (264-00-3619-3240).....	No limit
Air quality section 105 – federal fund (264-00-3249-3249).....	No limit
Leaking underground storage tank trust –	
federal fund (264-00-3812-3700).....	No limit
Surface mining control and reclamation act –	
federal fund (264-00-3820-3760).....	No limit
Abandoned mined-land – federal fund (264-00-3821-3770).....	No limit
Department of defense and state cooperative	
agreement – federal fund (264-00-3067-3031).....	No limit
EPA non-point source – federal fund (264-00-3889-3940).....	No limit
Pollution prevention program –	
federal fund (264-00-3908-3990).....	No limit
EPA water monitoring – federal fund (264-00-3086-4200).....	No limit
Gifts, grants and donations	
fund – environment (264-00-7314-7095).....	No limit
Special bequest fund – environment (264-00-7367-7040).....	No limit
Aboveground petroleum storage tank release	
trust fund (264-00-7398-7070).....	No limit
Underground petroleum storage tank release trust fund (264-00-7399-7060).....	No limit
Drycleaning facility release trust fund (264-00-7407-7250).....	No limit
Public water supply loan fund (264-00-7539-7800).....	No limit
Public water supply loan operations fund (264-00-3295-3295).....	No limit
Kansas water pollution control revolving fund (264-00-7530-7400).....	No limit
<i>Provided</i> , That the proceeds from revenue bonds issued by the Kansas development	
finance authority to provide matching grant payments under the federal clean water act	
of 1987 (P.L. 92-500) shall be credited to the Kansas water pollution control revolving	
fund: <i>Provided further</i> , That expenditures from this fund shall be made to provide for	
the payment of such matching grants.	
Kansas water pollution control	
operations fund (264-00-7960-8300).....	No limit
Cost of issuance fund for Kansas water pollution control revolving fund	
revenue bonds (264-00-7531-7600).....	No limit
Surcharge fund for Kansas water pollution control revolving fund	
revenue bonds (264-00-7539-7805).....	No limit
Surcharge operations fund for Kansas water pollution control revolving	
fund revenue bonds (264-00-7531-7620).....	No limit
Subsurface hydrocarbon storage fund (264-00-2228-2380).....	No limit

Natural resources damages trust fund (264-00-7265-7265).....	No limit
Hazardous waste management fund (264-00-2519-2290).....	No limit
Brownfields revolving loan program –	
federal fund (264-00-3278-3278).....	No limit
Mined-land reclamation fund (264-00-2685-2560).....	No limit
Operator outreach training program –	
federal fund (264-00-3259-3259).....	No limit
Underground storage tank – federal fund (264-00-3732-3510).....	No limit
EPA underground injection control – federal fund (264-00-3295-3288).....	No limit
Laboratory medicaid cost recovery fund –	
environment (264-00-2092-2060).....	No limit
EPA state response program –	
federal fund (264-00-3370-3915).....	No limit
Environmental use control fund (264-00-2292-2310).....	No limit
Environmental response remedial activity specific	
sites – federal fund (264-00-3040-3003).....	No limit
Emergency environmental response – nonspecific	
sites federal fund (264-00-3067-3030).....	No limit
Medicare program – environment – federal fund (264-00-3096-3050).....	No limit
EPA pollution prevention – federal fund (264-00-3619-3240).....	No limit
Inspections Kansas infrastructure projects –	
federal fund (264-00-3910-3950).....	No limit
Salt solution mining well plugging fund (264-00-2247-2390).....	No limit
Water program management fund (264-00-2798-2798).....	No limit
UST redevelopment fund (264-00-7397-7080).....	No limit
<i>Provided, That, in addition to the other purposes authorized by K.S.A. 65-34,132, and amendments thereto, notwithstanding the provisions of K.S.A. 65-34,139(a)(3), and amendments thereto, expenditures shall be made from the above fund for fiscal year 2022 for the purposes of reimbursing eligible owners of underground storage tanks, if, pursuant to K.S.A. 65-34,139, and amendments thereto, the owner replaces all components of a single-wall storage tank system with a secondary containment system that complies with K.S.A. 65-34,138, and amendments thereto, after August 8, 2005.</i>	
Office of laboratory services operating fund (264-00-2161-2161).....	No limit
Risk management fund (264-00-7402-7402).....	No limit
Intoxilyzer replacement – federal fund (264-00-3092-3092).....	No limit
Environmental stewardship fund (264-00-17-7396-7096).....	No limit
EPA multi-purpose grant – federal fund (264-00-3103-3630).....	No limit
Volkswagen environmental fund (264-00-7269-7269).....	No limit
USDA conservation partnership – federal fund (264-00-3022-3022).....	No limit
Environmental response – federal fund (264-00-3066-3010).....	No limit
Other federal grants – federal fund (264-00-3095-5450).....	No limit
Alcohol impaired driving countermeasures incentive grants –	
federal fund (264-00-3247-3247).....	No limit
Air quality program – federal fund (264-00-3253-3253).....	No limit
Water related grants –	
federal fund (264-00-3254-3260).....	No limit
EPA nonpoint source implementation –	

federal fund (264-00-3915-3915).....	No limit
Water protection state grants –	
federal fund (264-00-3264-3264).....	No limit
Multi-media capacity building –	
federal fund (264-00-3277-3277).....	No limit
Health watershed initiative –	
federal fund (264-00-3558-3558).....	No limit
Small employer cafeteria plan	
development program (264-00-2386-2382).....	No limit
Environmental response RMDL act –	
federal fund (264-00-3005-3010).....	No limit
Ticket to work grant – federal fund (264-00-3417-4367).....	No limit
Demo to maintenance-indep. employer –	
federal fund (264-00-3419-3419).....	No limit
EPA underground injection control –	
federal fund (264-00-3618-3230).....	No limit
104G outreach training program –	
federal fund (264-00-3722-3500).....	No limit
Drinking water lead testing in school and	
child care programs – federal fund (264-00-3670-3601).....	No limit
Brownfields revolving loan program fund (264-00-7526-7103).....	No limit
Certification of environmental liability fund (264-00-7527-7230).....	No limit
P/C safety net clinic loan guarantee fund (264-00-7551-7595).....	No limit
KWPC surcharge services fees (264-00-7961-8400).....	No limit
KPWS revolving fund (264-00-7968-8500).....	No limit
KPWS surcharge service fees (264-00-7969-8600).....	No limit
Asbestos remediation fund (264-00-7342-7342).....	No limit

*Provided*, That, notwithstanding the provisions of K.S.A. 65-5309, and amendments thereto, or any other statute, all fees or other moneys collected by the above agency during fiscal year 2022 related to asbestos remediation, as certified by the secretary of health and environment, shall be credited to the asbestos remediation fund.

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2022, for the state water plan project or projects specified as follows:

Contamination remediation (264-00-1800-1802).....	\$1,088,301
<i>Provided</i> , That any unencumbered balance in the contamination remediation account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.	
TMDL initiatives and use	
attainability analysis (264-00-1800-1805).....	\$280,738
<i>Provided</i> , That any unencumbered balance in the TMDL initiatives and use attainability analysis account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.	
Watershed restoration and	
protection plan (264-00-1800-1808).....	\$730,884
<i>Provided</i> , That any unencumbered balance in the watershed restoration and protection plan account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.	

Nonpoint source program (264-00-1800-1804).....\$303,208  
*Provided*, That any unencumbered balance in the nonpoint source program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Milford and Marion reservoirs harmful algae bloom pilot (264-00-1800-1810).....\$450,000  
*Provided*, That any unencumbered balance in the Milford and Marion reservoirs harmful algae bloom pilot account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Drinking water protection (264-00-1800-1806).....\$350,000

(d) During the fiscal year ending June 30, 2022, the secretary of health and environment, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2022 from the state water plan fund for the department of health and environment – division of environment to another item of appropriation for fiscal year 2022 from the state water plan fund for the department of health and environment – division of environment: *Provided*, That the secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research, the chairperson of the house of representatives agriculture and natural resources budget committee and the chairperson of the subcommittee on health and environment/human resources of the senate committee on ways and means.

(e) During the fiscal year ending June 30, 2022, notwithstanding the provisions of K.S.A. 65-3024, and amendments thereto, the director of accounts and reports shall not make the transfers of amounts of interest earnings from the state general fund to the air quality fee fund (264-00-2020-2830) of the department of health and environment, which are directed to be made on or before the 10<sup>th</sup> day of each month by K.S.A. 65-3024, and amendments thereto.

(f) On July 1, 2021, and on other occasions during fiscal year 2022 when necessary, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment that constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs, from specified special revenue fund or funds of the department of health and environment – division of public health or of the department of health and environment – division of environment, to the sponsored project overhead fund – environment (264-00-2911-2720) of the department of health and environment – division of environment.

(g) During the fiscal year ending June 30, 2022, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue fund or funds of the department of health and environment – division of environment that have available moneys to the sponsored project overhead fund – environment (264-00-2911-2720) of the department of health and environment – division of environment or to the sponsored project overhead fund – health (264-00-2912-2710) of the department of health and environment – division of public health, as the case may be, for expenditures for administrative expenses.

(h) During the fiscal year ending June 30, 2022, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2022 from the state general fund for the department of health and environment – division of public health or the department of health and

environment – division of environment to another item of appropriation for fiscal year 2022 from the state general fund for the department of health and environment – division of public health or the department of health and environment – division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(i) During the fiscal year ending June 30, 2022, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment – division of environment to the sponsored project overhead fund – environment (264-00-2911-2720) of the department of health and environment – division of environment pursuant to this section may include amounts equal to not more than 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

(j) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made from such moneys in fiscal year 2022 to maintain the above agency's current staffing levels of professional and associate engineers in the livestock waste section of the bureau of environmental field services: *Provided, however*, That the above agency shall reduce staffing levels among either the environmental specialist staff or inspection staff within the bureau of field services as necessary to achieve the reduction in state general fund expenditures from the previous fiscal year.

Sec. 83.

KANSAS DEPARTMENT FOR AGING  
AND DISABILITY SERVICES

(a) On the effective date of this act, of the \$5,993 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the administration official hospitality account (039-00-1000-0204), the sum of \$4,245 is hereby lapsed.

(b) On the effective date of this act, of the \$4,187,400 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the program grants – nutrition – state match account (039-00-1000-0280), the sum of \$141,675 is hereby lapsed.

(c) On the effective date of this act, of the \$13,598,151 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the LTC – medicaid assistance – NF account (039-00-1000-0520), the sum of \$10,189,487 is hereby lapsed.

(d) On the effective date of this act, the appropriation of all moneys credited to and available in the LTC – medicaid assistance – PACE account (039-00-1000-0530) of the state general fund for the fiscal year ending June 30, 2021, is hereby lapsed.

(e) On the effective date of this act, of the \$410,661,520 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the KanCare caseloads account (039-00-1000-0610), the sum of \$50,971,616 is hereby lapsed.

(f) On the effective date of this act, of the \$35,500,000 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the non-KanCare caseloads account (039-00-1000-0611), the sum of \$11,033,434 is hereby lapsed.

(g) On the effective date of this act, of the \$315,698,398 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the KanCare non-caseloads account (039-00-1000-0612), the sum of \$13,484,309 is hereby lapsed.

(h) On the effective date of this act, of the \$1,175,584 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the nursing facilities regulation account (039-00-1000-0710), the sum of \$117,932 is hereby lapsed.

(i) On the effective date of this act, of the \$1,555,344 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the nursing facilities regulation – title XIX account (039-00-1000-0712), the sum of \$280,943 is hereby lapsed.

(j) On the effective date of this act, of the \$19,097,727 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the state operations account (039-00-1000-0801), the sum of \$135,021 is hereby lapsed.

(k) On the effective date of this act, of the \$2,695,622 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the alcohol and drug abuse services grants account (039-00-1000-1010), the sum of \$468,903 is hereby lapsed.

(l) On the effective date of this act, of the \$30,995,993 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the community mental health centers supplemental funding account (039-00-1000-3001), the sum of \$19,260,232 is hereby lapsed.

(m) On the effective date of this act, of the \$20,906,993 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the community aid account (039-00-1000-3004), the sum of \$3,744,663 is hereby lapsed.

(n) On the effective date of this act, of the \$13,474,925 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the mental health and intellectual disabilities aid and assistance account (039-00-1000-4001), the sum of \$6,239,508 is hereby lapsed.

(o) On the effective date of this act, of the \$8,454,142 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 133(a) of chapter 5 of the 2020 Session Laws of Kansas from the state institutions building fund in the rehabilitation and repair projects account (039-00-8100-8240), the sum of \$815 is

hereby lapsed.

(p) On the effective date of this act, of the \$3,846,900 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 133(a) of chapter 5 of the 2020 Session Laws of Kansas from the state institutions building fund in the debt service – new state security hospital account (039-00-8100-8320), the sum of \$4,480 is hereby lapsed.

(q) On the effective date of this act, of the \$2,585,450 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 133(a) of chapter 5 of the 2020 Session Laws of Kansas from the state institutions building fund in the debt service – state hospitals rehabilitation and repair account (039-00-8100-8325), the sum of \$1,719 is hereby lapsed.

(r) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 74(b) of chapter 5 of the 2020 Session Laws of Kansas on the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability services is hereby increased from \$7,108,000 to \$8,209,093.

(s) On the effective date of this act, of the \$11,297,103 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the Kansas neurological institute – operating expenditures account (363-00-1000-0303), the sum of \$12,259 is hereby lapsed.

(t) On the effective date of this act, of the \$41,487,497 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the Larned state hospital – operating expenditures account (410-00-1000-0103), the sum of \$433,900 is hereby lapsed.

(u) On the effective date of this act, of the \$22,858,937 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the Larned state hospital – sexual predator treatment program account (410-00-1000-0200), the sum of \$5,238 is hereby lapsed.

(v) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 74(b) of chapter 5 of the 2020 Session Laws of Kansas on the Larned state hospital fee fund (410-00-2073-2100) of the Kansas department for aging and disability services is hereby increased from \$4,746,563 to \$4,922,106.

(w) On the effective date of this act, of the \$29,208,011 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the Osawatomie state hospital – operating expenditures account (494-00-1000-0100), the sum of \$601,454 is hereby lapsed.

(x) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 74(b) of chapter 5 of the 2020 Session Laws of Kansas on the Osawatomie state hospital fee fund (494-00-2079-4200) of the Kansas department for aging and disability services is hereby increased from \$1,324,899 to \$1,475,901.

(y) On the effective date of this act, the expenditure limitation established for the

fiscal year ending June 30, 2021, by section 74(b) of chapter 5 of the 2020 Session Laws of Kansas on the Osawatomic state hospital certified care fund (494-00-2079-4201) of the Kansas department for aging and disability services is hereby decreased from \$2,731,096 to \$2,085,496.

(z) On the effective date of this act, of the \$12,479,312 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the Parsons state hospital and training center – operating expenditures account (507-00-1000-0100), the sum of \$6,589 is hereby lapsed.

(aa) On the effective date of this act, of the \$2,037,289 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the Parsons state hospital and training center – sexual predator treatment program account (507-00-1000-0200), the sum of \$88,169 is hereby lapsed.

(bb) On the effective date of this act, any unencumbered balance in the Isaac ray ups account (410-00-8100-8200) of the state institutions building fund is hereby lapsed.

(cc) During the fiscal year ending June 30, 2021, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds as authorized by this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by such agency from such moneys to submit a report on a quarterly basis, in collaboration with the Kansas department of health and environment, to the Robert G. (Bob) Bethell joint committee on home and community based services regarding the home and community-based services brain injury waiver, including the:

(1) Number of members enrolled in such waiver at the end of the month prior to the committee meeting;

(2) unduplicated number of such members over the course of the calendar year;

(3) number of such members receiving services for a period longer than 2 years and longer than 4 years;

(4) number of such members who did not receive services within a period of 60, 90 or 120 or more days after being enrolled;

(5) number of such members who did not receive a specific waiver service within a period of 30, 60, 90 or 120 or more days prior to the date such member was officially unenrolled from such waiver;

(6) amount of the per-member, per-month enhanced dollar rate provided to a managed care organization for each member enrolled in such waiver;

(7) total number of members enrolled in the waiver disaggregated by county and the per capita enrollment in such waiver disaggregated by county; and

(8) agency's progress toward new policy implementation.

(dd) During the fiscal year ending June 30, 2021, in addition to the other purposes for which expenditures may be made by the above agency from the KanCare caseloads account (039-00-1000-0610) for fiscal year 2021, as authorized by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas, this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by such agency from such account in an amount not to exceed \$8,820,000 to implement a \$15 increase to the daily reimbursement rate for nursing facilities for the period commencing January 1, 2021, through April 30, 2021: *Provided*, That such reimbursement rate increase shall be

reviewed by the legislative coordinating council prior to April 30, 2021: *Provided further*; That continuation of such reimbursement rate increase for the period commencing May 1, 2021, through June 30, 2021, shall be subject to approval by the legislative coordinating council in accordance with K.S.A. 46-1202, and amendments thereto, and the legislative coordinating council acting on such matter is hereby characterized as a matter of legislative delegation: *And provided further*; That, if the legislative coordinating council approves such continuation, expenditures shall be made by the above agency from such account in an amount not to exceed \$4,410,000 to continue the \$15 increase to the daily reimbursement rate for nursing facilities for the period commencing May 1, 2021, through June 30, 2021: *Provided, however*; That, if the legislative coordinating council does not approve such continuation, then on May 1, 2021, of the amount appropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas, this or any other appropriation act of the 2021 regular session of the legislature from the state general fund in the KanCare caseloads account, the sum of \$4,410,000 is hereby lapsed. Sec. 84.

KANSAS DEPARTMENT FOR  
AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

RSI crisis center base services (039-00-1000-0110).....	\$3,576,100
Comcare crisis center base services (039-00-1000-0120).....	\$1,300,000
Valeo crisis center base services (039-00-1000-0130).....	\$500,000
Salina crisis center base services (039-00-1000-0140).....	\$85,000
Administration official hospitality (039-00-1000-0204).....	\$1,748

*Provided*, That any unencumbered balance in the administration official hospitality account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

PASRR (039-00-1000-0210).....	\$903,780
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*Provided*, That any unencumbered balance in the administration – assessments account in excess of \$100 as of June 30, 2021, is hereby reappropriated to the PASRR account for fiscal year 2022.

Senior care act (039-00-1000-0260).....	\$5,515,000
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*Provided*, That any unencumbered balance in the senior care act account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*; That each grant agreement with an area agency on aging for a grant from the senior care act account shall require the area agency on aging to submit to the secretary for aging and disability services a report for fiscal year 2021 by the area agency on aging, which shall include information about the kinds of services provided and the number of persons receiving each kind of service during fiscal year 2021: *And provided further*; That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2022 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for fiscal year 2021: *And provided further*; That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services that are determined to be the

most economical services available with regard to state general fund expenditures.

Program grants – nutrition – state match (039-00-1000-0280).....\$3,195,725

*Provided*, That any unencumbered balance in the program grants – nutrition – state match account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That each grant agreement with an area agency on aging for a grant from the program grants – nutrition – state match account shall require the area agency on aging to submit to the secretary for aging and disability services a report for federal fiscal year 2021 by the area agency on aging, which shall include information about the kinds of services provided and the number of persons receiving each kind of service during federal fiscal year 2021: *And provided further*, That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2022 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for federal fiscal year 2021: *And provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services that are determined to be the most economical services available with regard to state general fund expenditures.

Community services and programs (039-00-1000-0520).....\$3,408,664

*Provided*, That any unencumbered balance in the LTC – medicaid assistance – NF account in excess of \$100 as of June 30, 2021, is hereby reappropriated to the community services and programs account for fiscal year 2022.

Nursing facilities regulation (039-00-1000-0710).....\$1,705,824

*Provided*, That any unencumbered balance in the nursing facilities regulation account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Nursing facilities regulation – title XIX (039-00-1000-0712).....\$1,241,418

*Provided*, That any unencumbered balance in the nursing facilities regulation – title XIX account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

State operations (039-00-1000-0801).....\$12,977,490

*Provided*, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures may be made from this account for the purchase of professional liability insurance for physicians and dentists at any institution, as defined by K.S.A. 76-12a01, and amendments thereto.

Alcohol and drug abuse services grants (039-00-1000-1010).....\$2,915,447

*Provided*, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

CDDO support (039-00-1000-4001).....\$10,231,053

*Provided*, That any unencumbered balance in the mental health and intellectual disabilities aid and assistance account in excess of \$100 as of June 30, 2021, is hereby reappropriated to the CDDO support account for fiscal year 2022.

Community mental health centers supplemental funding (039-00-1000-3001).....\$41,334,328

*Provided*, That any unencumbered balance in the community mental health centers supplemental funding account in excess of \$100 as of June 30, 2021, is hereby

reappropriated for fiscal year 2022.

Regional beds funding (039-00-1000-3003).....\$11,150,000  
*Provided*, That any unencumbered balance in the regional beds funding account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

BH community aid (039-00-1000-3004).....\$16,953,530  
*Provided*, That any unencumbered balance in the community aid account in excess of \$100 as of June 30, 2021, is hereby reappropriated to the BH community aid account for fiscal year 2022.

KanCare caseloads (039-00-1000-0610).....\$460,285,911  
*Provided*, That any unencumbered balance in the KanCare caseloads account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Non-KanCare caseloads (039-00-1000-0611).....\$27,470,000  
*Provided*, That any unencumbered balance in the non-KanCare caseloads account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*; That all people receiving or applying for services that are funded, either partially or entirely, from the non-KanCare caseloads account shall be placed in appropriate services that are determined to be the most economical services available with regard to state general fund expenditures.

KanCare non-caseloads (039-00-1000-0612).....\$344,483,617  
*Provided*, That any unencumbered balance in the KanCare non-caseloads account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *And provided further*; That the above agency shall make expenditures from the KanCare non-caseloads account during fiscal year 2022 in an amount not less than \$4,200,000 to increase provider reimbursement rates for the specialized medical care services code (T1000) under the home and community-based services technology assisted waiver to \$39 per hour for in-home registered nurse and licensed practical nurse nursing services under such waiver.

Kansas neurological institute – operating expenditures (363-00-1000-0303).....\$10,192,906  
*Provided*, That any unencumbered balance in the Kansas neurological institute – operating expenditures account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021: *Provided, however*; That expenditures from the Kansas neurological institute – operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *Provided further*; That expenditures shall be made from this account to assist residents of the institution to take personally used items that are constructed for use by such residents and which are hereby authorized to be transferred to such residents from the institution to communities when such residents leave the institution to reside in the communities.

Larned state hospital – operating expenditures (410-00-1000-0103).....\$37,311,220  
*Provided*, That any unencumbered balance in the Larned state hospital – operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures from the Larned state hospital – operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *Provided further*; That expenditures may be made from this account for educational services contracts, which are hereby authorized to be negotiated and entered into by Larned state hospital with unified school districts or other public educational services providers: *And provided further*; That such educational services contracts shall

not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto.

Larned state hospital – sexual predator treatment program (410-00-1000-0200).....\$22,740,430

*Provided*, That any unencumbered balance in the Larned state hospital – sexual predator treatment program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Osawatomie state hospital – operating expenditures (494-00-1000-0100).....\$28,106,240

*Provided*, That any unencumbered balance in the Osawatomie state hospital – operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*, That expenditures from the Osawatomie state hospital – operating expenditures account for official hospitality by the superintendent shall not exceed \$150.

Osawatomie state hospital – certified care expenditures (494-00-1000-0101).....\$5,356,884

*Provided*, That any unencumbered balance in the Osawatomie state hospital – certified care expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Osawatomie state hospital – SPTP MiCo (494-00-1000-0200).....\$907,280

Parsons state hospital and training center – operating expenditures (507-00-1000-0100).....\$11,066,800

*Provided*, That any unencumbered balance in the Parsons state hospital and training center – operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*, That expenditures from the Parsons state hospital and training center – operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts, which are hereby authorized to be negotiated and entered into by Parsons state hospital and training center with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto: *And provided further*, That expenditures shall be made from this account to assist residents of the institution to take personally used items that are constructed for use by such residents and which are hereby authorized to be transferred to such residents from the institution to communities when such residents leave the institution to reside in the communities.

Parsons state hospital and training center – sexual predator treatment program (507-00-1000-0200).....\$2,037,289

*Provided*, That any unencumbered balance in the Parsons state hospital and training center – sexual predator treatment program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Larned state hospital – SPTP new crimes reimbursement (410-00-1000-0110).....\$5,000

*Provided*, That any unencumbered balance in the Larned state hospital – SPTP new crimes reimbursement account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Title XIX fund (039-00-2595-4130).....	No limit
<i>Provided</i> , That all receipts resulting from payments under title XIX of the federal social security act to any of the institutions under mental health and intellectual disabilities may be credited to the title XIX fund: <i>Provided further</i> , That moneys in the title XIX fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act and for expenditures for premiums and surcharges required to be paid for physicians' malpractice insurance.	
Kansas neurological institute title XIX reimbursements fund (363-00-2060-2200).....	No limit
Larned state hospital title XIX reimbursements fund (410-00-2074-2200).....	No limit
Osawatomi state hospital title XIX reimbursements fund (494-00-2080-4300).....	No limit
Osawatomi state hospital certified care title XIX reimbursements fund (494-00-2080-4301).....	No limit
Parsons state hospital title XIX reimbursements fund (507-00-2083-2300).....	No limit
Kansas neurological institute fee fund (363-00-2059-2000).....	\$1,324,436
Kansas neurological institute – foster grandparents program – federal fund (363-00-3115-3200).....	No limit
Kansas neurological institute – FGP gifts, grants, donations fund (363-00-7125-7400).....	No limit
Kansas neurological institute – patient benefit fund (363-00-7910-7100).....	No limit
Kansas neurological institute – work therapy patient benefit fund (363-00-7940-7200).....	No limit
Larned state hospital fee fund (410-00-2073-2100).....	\$4,746,563
Larned state hospital – work therapy patient benefit fund (410-00-7938-7200).....	No limit
Larned state hospital – canteen fund (410-00-7806-7000).....	No limit
Larned state hospital – patient benefit fund (410-00-7912-7100).....	No limit
Osawatomi state hospital – canteen fund (494-00-7807-5600).....	No limit
Osawatomi state hospital – patient benefit fund (494-00-7914-5700).....	No limit
Osawatomi state hospital – work therapy patient benefit fund (494-00-7939-5800).....	No limit
Osawatomi state hospital – motor pool revolving fund (494-00-6164-5200).....	No limit
Osawatomi state hospital – cottage revenue and expenditures fund (494-00-2159-2159).....	No limit
Osawatomi state hospital – training fee	

revolving fund (494-00-2602-2000).....No limit

*Provided*, That all moneys received as fees for training activities for Osawatomi state hospital shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Osawatomi state hospital – training fee revolving fund: *Provided further*; That the superintendent of Osawatomi state hospital is hereby authorized to fix, charge and collect fees for training activities at Osawatomi state hospital: *And provided further*; That such fees shall be fixed in order to recover all or part of the expenses of such training activities for Osawatomi state hospital.

Osawatomi state hospital fee fund (494-00-2079-4200).....\$1,853,027

*Provided*, That all moneys received as fees for the use of video teleconferencing equipment at Osawatomi state hospital shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the video teleconferencing fee account of the Osawatomi state hospital fee fund: *Provided further*; That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, technical and program support, maintenance and replacement of associated equipment at Osawatomi state hospital: *And provided further*; That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Osawatomi state hospital fee fund.

Osawatomi state hospital certified care fund (494-00-2079-4201).....\$5,420,277

Parsons state hospital and training center – canteen fund (507-00-7808-5500).....No limit

Parsons state hospital and training center – patient benefit fund (507-00-7916-5600).....No limit

Parsons state hospital and training center – work therapy patient benefit fund (507-00-7941-5700).....No limit

Parsons state hospital and training center fee fund (507-00-2082-2200).....\$1,150,000

*Provided*, That all moneys received as fees for the use of video teleconferencing equipment at Parsons state hospital and training center shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the video teleconferencing fee account of the Parsons state hospital and training center fee fund: *Provided further*; That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, maintenance and replacement of video teleconferencing equipment at Parsons state hospital and training center: *And provided further*; That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Parsons state hospital and training center fee fund.

Special program for aging IIIB – federal fund (039-00-3287-3281).....No limit

Special program for aging IIIC – federal fund (039-00-3425-3423).....No limit

Special program for aging IIID – federal fund (039-00-3286-3285).....No limit

National family caregiver support program IIIE – federal fund (039-00-3289-3201).....No limit

Special program for aging IV & II – federal fund (039-00-3288-3297).....No limit

Special program for aging VII-2 – federal fund (039-00-3358-3072).....No limit

Special program for aging VII-3 – federal fund (039-00-3402-3000).....No limit

Survey & certification – federal fund (039-00-3064-3064).....No limit

*Provided*, That transfers of moneys from the survey & certification – federal fund to the state fire marshal may be made during fiscal year 2022 pursuant to a contract, which is hereby authorized to be entered into by the secretary for aging and disability services with the state fire marshal to provide fire and safety inspections for adult care homes and hospitals.

Center for medicare/medicaid service – federal fund (039-00-3408-3300).....No limit

Money follows the person grant – federal fund (039-00-3054-4000).....No limit

Social service block grant fund (039-00-3307-3371).....\$4,499,999

*Provided*, That each grant agreement with an area agency on aging for a grant from the social service block grant fund shall require the area agency on aging to submit to the secretary for aging and disability services a report for fiscal year 2021 by the area agency on aging, which shall include information about the kinds of services provided and the number of persons receiving each kind of service during fiscal year 2021:

*Provided further*, That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2022 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for fiscal year 2021: *And provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this fund shall be placed in appropriate services that are determined to be the most economical services available.

Nutrition service incentive program fund – federal (039-00-3552-3552).....No limit

National bioterrorism hospital preparedness program – federal fund (039-00-3398-4386).....No limit

Senior citizen nutrition check-off fund (039-00-2660-2610).....No limit

Quality care services fund (039-00-2999-2902).....No limit

*Provided*, That the secretary for aging and disability services, acting as the agent of the secretary of health and environment, is hereby authorized to collect the quality care assessment under K.S.A. 75-7435, and amendments thereto, and notwithstanding the provisions of K.S.A. 75-7435, and amendments thereto, all moneys received for such quality care assessments shall be deposited in the state treasury to the credit of the quality care services fund: *Provided further*, That all moneys in the quality care services fund shall be used to finance initiatives to maintain or improve the quantity and quality of skilled nursing care in skilled nursing care facilities in Kansas in accordance with K.S.A. 75-7435, and amendments thereto.

State licensure fee fund (039-00-2373-2370).....No limit

General fees fund (039-00-2524-2500).....No limit

*Provided*, That the secretary for aging and disability services is hereby authorized to collect: (1) Fees from the sale of surplus property; (2) fees charged for searching, copying and transmitting copies of public records; (3) fees paid by employees for personal long distance calls, postage, faxed messages, copies and other authorized uses

of state property; and (4) other miscellaneous fees: *Provided further*, That such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*, That expenditures shall be made from this fund to meet the obligations of the Kansas department for aging and disability services or to benefit and meet the mission of the Kansas department for aging and disability services.

Gifts and donations fund (039-00-7309-7000).....No limit  
*Provided*, That the secretary for aging and disability services is hereby authorized to receive gifts and donations of money for services to senior citizens or purposes related thereto: *Provided further*, That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the gifts and donations fund.

Medical resources and collection fund (039-00-2363-2100).....No limit  
*Provided*, That all moneys received or collected by the secretary for aging and disability services due to medicaid overpayments shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the medical resources and collection fund: *Provided further*, That expenditures from such fund shall be made for medicaid program-related expenses and used to reduce state general fund outlays for the medicaid program: *And provided further*, That all moneys received or collected by the secretary for aging and disability services due to civil monetary penalty assessments against adult care homes shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the medical resources and collection fund: *And provided further*, That expenditures from such fund shall be made to protect the health or property of adult care home residents as required by federal law.

Long-term care loan and grant fund (039-00-5110-5100).....No limit  
Medicare enrollment assistance program  
fund – federal (039-00-3468-3450).....No limit  
Medical assistance program – federal fund (039-00-3414-0442).....No limit  
DADS social welfare fund (039-00-2141-2195).....No limit  
Other state fees fund – community alcohol treatment (039-00-2661-0000).....No limit  
Substance abuse/mental health services – partnership for success –  
federal fund (039-00-3284-1327).....No limit  
Substance abuse/mental health supported employment –  
federal fund (039-00-3284-1329).....No limit  
Community mental health block grant federal fund (039-00-3310-0460).....No limit  
Prevention/treatment substance abuse federal fund (039-00-3301-0310).....No limit  
Problem gambling and addictions grant fund (039-00-2371-2371).....\$6,959,093  
Alternatives to psych. Resid. treatment facilities for children  
federal fund (039-00-3384-4495).....No limit  
Substance abuse performance outcome grant  
federal fund (039-00-3881-3881).....No limit  
ADAS data collection grant federal fund (039-00-3887-3887).....No limit  
Money follows the person rebalancing demonstration  
federal fund (039-00-3054-4041).....No limit  
Temporary assistance for needy families –  
fed funds (039-00-3323-3323).....No limit

Coop agreement to benefit homeless – federal fund (039-00-3284-1321).....	No limit
PATH federal fund (039-00-3347-4316).....	No limit
Developmental disabilities basic support federal fund (039-00-3380-3380)....	No limit
Medicare fund – SHICK (039-00-3408-3400).....	No limit
Medicare fund – oasis (039-00-3408-3350).....	No limit
<i>Provided</i> , That all nonfederal reimbursements received by the Kansas department for aging and disability services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and credited to the nonfederal reimbursements fund.	
Mental health grants – state highway fund (039-00-2160-2160).....	\$9,750,000
<i>Provided</i> , That on July 1, 2021, October 1, 2021, January 1, 2022, and April 1, 2022, or as soon after each date as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$2,437,500 from the state highway fund of the department of transportation to the mental health grants – state highway fund of the Kansas department for aging and disability services.	
Indirect cost fund (039-00-2193-2193).....	No limit
Kansas national background check program – federal fund (039-00-3032-3132).....	No limit
Systems of care grant – federal fund (039-00-3595-3595).....	No limit
Community mental health center improvement fund (039-00-2336-2336).....	No limit
Community crisis stabilization centers fund (039-00-2337-2337).....	No limit
Clubhouse model program fund (039-00-2338-2338).....	No limit
Opioid abuse treatment & prevention federal fund (039-00-3023-3024).....	No limit
Health occupations credentialing fee fund (039-00-2315-2315).....	No limit
TBI partnership program fund (039-00-3376-3376).....	No limit
Nutrition services incentives federal fund (039-00-3291-3305).....	No limit
Mental health research grant federal fund (039-00-3377-4321).....	No limit
Senior farmer market nutrition program federal fund (039-00-3406-3205).....	No limit
Children's health insurance federal fund (039-00-3424-3420).....	No limit
Home delivery nutrition services federal fund (039-00-3469-3309).....	No limit
Congregate nutrition federal fund (039-00-3470-3311).....	No limit
Communities putting prevention to work federal fund (039-00-3488-3488).....	No limit
Mental health client level reporting federal fund (039-00-3882-3882).....	No limit
Transformation transfer initiatives federal fund (039-00-3888-3888).....	No limit
KDFA refunding revenue bond 2013B fund (039-00-7111).....	No limit
Trust fund (039-00-7299).....	No limit
Larned state security hospital KDFA 02N-1 fund (039-00-8703).....	No limit
SRS state of Kansas KDFA 04A-1 project fund (039-00-8704).....	No limit
State of Kansas projects KDFA 2010E-F fund (039-00-8705).....	No limit

Parking deduction clearing fund (039-00-9233-9200).....	No limit
Medical assistance recovery clearing fund (039-00-9300).....	No limit
Credit card clearing fund (039-00-9400).....	No limit

(c) On July 1, 2021, and at other times during fiscal year 2022, when necessary as determined by the secretary for aging and disability services, the director of accounts and reports shall transfer amounts specified by the secretary for aging and disability services, which amounts constitute reimbursements, credits and other amounts received by the Kansas department for aging and disability services for activities related to federal programs from specified special revenue funds of the Kansas department for aging and disability services to the indirect cost fund of the Kansas department for aging and disability services.

(d) On July 1, 2021, the superintendent of Osawatomie state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Osawatomie state hospital – canteen fund (494-00-7807-5600) to the Osawatomie state hospital – patient benefit fund (494-00-7914-5700).

(e) On July 1, 2021, the superintendent of Parsons state hospital, upon approval from the director of accounts and reports, shall transfer an amount specified by the superintendent from the Parsons state hospital and training center – canteen fund (507-00-7808-5500) to the Parsons state hospital and training center – patient benefit fund (507-00-7916-5600).

(f) On July 1, 2021, the superintendent of Larned state hospital, upon approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Larned state hospital – canteen fund (410-00-7806-7000) to the Larned state hospital – patient benefit fund (410-00-7912-7100).

(g) During the fiscal year ending June 30, 2022, no moneys paid by the Kansas department for aging and disability services from the CDDO support account (039-00-1000-4001) of the state general fund shall be expended by the entity receiving such moneys to pay membership dues and fees to any entity that does not provide the Kansas department for aging and disability services, the legislative division of post audit or another state agency, access to its financial records upon request for such access.

(h) During the fiscal year ending June 30, 2022, the secretary for aging and disability services, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2022 from the state general fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services to another item of appropriation for fiscal year 2022 from the state general fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services. The secretary for aging and disability services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(i) During the fiscal year ending June 30, 2022, the secretary for aging and disability services, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2022 from the state institutions building fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services to another item of appropriation for fiscal year 2022 from the state

institutions building fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services. The secretary for aging and disability services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(j) In addition to the other purposes for which expenditures may be made by the Kansas department for children and families from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2022 for the Kansas department for children and families and in addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2022 for the department of health and environment – division of public health, as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures may be made by the secretary for children and families and the secretary of health and environment for fiscal year 2022 to enter into a contract with the secretary for aging and disability services, which is hereby authorized and directed to be entered into by such secretaries, to provide for the secretary for aging and disability services to perform the powers, duties, functions and responsibilities prescribed by and to conduct investigations pursuant to K.S.A. 39-1404, and amendments thereto, in conjunction with the performance of such powers, duties, functions, responsibilities and investigations by the secretary for children and families and the secretary of health and environment under such statute, with respect to reports of abuse, neglect or exploitation of residents or reports of residents in need of protective services on behalf of the secretary for children and families or the secretary of health and environment, as the case may be, in accordance with and pursuant to K.S.A. 39-1404, and amendments thereto, during fiscal year 2022: *Provided*, That, in addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2022 for the Kansas department for aging and disability services, as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the secretary for aging and disability services for fiscal year 2022 to provide for the performance of such powers, duties, functions and responsibilities and to conduct such investigations: *Provided further*, That, the words and phrases used in this subsection shall have the meanings respectively ascribed thereto by K.S.A. 39-1401, and amendments thereto.

(k) On October 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$550,000 from the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability services to the domestic violence grant fund (252-00-2014-2014) of the governor's department.

(l) On October 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$150,000 from the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability services to the child advocacy center grants fund (252-00-2024-2024) of the governor's department.

(m) On October 1, 2021, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 79-4805, and amendments thereto, or any

other statute, the director of accounts and reports shall transfer \$500,000 from the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability services to the community corrections special revenue fund (521-00-2447-2447) of the department of corrections.

(n) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2022, the following:

Children's mental health waiver (039-00-2000-2403).....\$3,800,000

*Provided*, That any unencumbered balance in the children's mental health waiver account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(o) During the fiscal year ending June 30, 2022, the secretary for aging and disability services, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2022 from the title XIX fund (039-00-2595-4130) of the Kansas department for aging and disability services to any institution or facility under the general supervision and management of the secretary for aging and disability services. The secretary for aging and disability services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(p) Notwithstanding the provisions of K.S.A. 75-5958, and amendments thereto, or any other statute, and subject to appropriations, the secretary for aging and disability services may provide rate increases for nursing facilities for fiscal year 2022.

(q) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2022 by this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by such agency from such moneys to operate, or contract for the operation of, eight acute inpatient psychiatric care beds for children in the city of Hays, Kansas, or the surrounding area: *Provided, however*; That expenditures for such purposes during fiscal year 2022 shall not exceed \$4,000,000.

(r) On July 1, 2021, the assistance in transition from homelessness federal fund (039-00-3347-4316) of the Kansas department for aging and disability services is hereby redesignated as the PATH federal fund (039-00-3347-4316) of the Kansas department for aging and disability services.

(s) During the fiscal year ending June 30, 2022, notwithstanding the provisions of K.S.A. 59-2968, and amendments thereto, or any other statute to the contrary:

(1) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds as authorized by this or any other appropriation act of the 2021 regular session of the legislature, on or before October 1, 2021, expenditures shall be made by such agency from such moneys to lift the moratorium on admissions to each state psychiatric hospital, as defined by K.S.A. 59-2946, and amendments thereto; and

(2) no expenditures shall be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds by this or any other appropriation act of the 2021 regular session of the legislature to impose a moratorium on admissions to any state psychiatric hospital, as defined by K.S.A. 59-2946, and amendments thereto.

(t) During the fiscal year ending June 30, 2022, in addition to the other purposes for

which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds as authorized by this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by such agency from such moneys to issue a request for proposal to solicit potential providers of services under the program of all-inclusive care for the elderly administered by the above agency for the purposes of growing the statewide provider network for such services.

(u) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds as authorized by this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by such agency from such moneys to implement a process for certification and funding for certified community behavioral health clinics: *Provided*, That such agency shall certify as a certified community behavioral health clinic any community behavioral health center licensed by such agency that provides the following services: Crisis services; screening, assessment and diagnosis, including risk assessment; person-centered treatment planning; outpatient mental health and substance use services; primary care screening and monitoring of key indicators of health risks; targeted case management; psychiatric rehabilitation services; peer support and family supports; medication-assisted treatment; assertive community treatment; and community-based mental healthcare for military servicemembers and veterans.

(v) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds as authorized by this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by such agency from such moneys to submit a report on a quarterly basis, in collaboration with the Kansas department of health and environment, to the Robert G. (Bob) Bethell joint committee on home and community based services regarding the home and community-based services brain injury waiver, including the:

- (1) Number of members enrolled in such waiver at the end of the month prior to the committee meeting;
- (2) unduplicated number of such members over the course of the calendar year;
- (3) number of such members receiving services for a period longer than 2 years and longer than 4 years;
- (4) number of such members who did not receive services within a period of 60, 90 or 120 or more days after being enrolled;
- (5) number of such members who did not receive a specific waiver service within a period of 30, 60, 90 or 120 or more days prior to the date such member was officially unenrolled from such waiver;
- (6) amount of the per-member, per-month enhanced dollar rate provided to a managed care organization for each member enrolled in such waiver;
- (7) total number of members enrolled in the waiver disaggregated by county and the per capita enrollment in such waiver disaggregated by county; and
- (8) agency's progress toward new policy implementation.

(w) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year

2022 as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2022 to provide the same starting salary and wages for entry-level positions at Larned state hospital as are provided by the department of corrections for an entry-level position with a similar job classification or position description at Larned correctional mental health facility.

Sec. 85.

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) During the fiscal year ending June 30, 2023, notwithstanding the provisions of K.S.A. 59-2968, and amendments thereto, or any other statute to the contrary, no expenditures shall be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds by this or any other appropriation act of the 2021 or 2022 regular session of the legislature to impose a moratorium on admissions to any state psychiatric hospital, as defined by K.S.A. 59-2946, and amendments thereto.

Sec. 86.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) On the effective date of this act, of the \$116,260,716 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 76(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the state operations (including official hospitality) account (629-00-1000-0013), the sum of \$823,420 is hereby lapsed.

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

Youth services and assistance account (629-00-1000-7020).....\$966,147

Sec. 87.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

State operations (including official hospitality) (629-00-1000-0013).....\$115,556,059

*Provided*, That any unencumbered balance in the state operations (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Youth services aid and assistance (629-00-1000-7020).....\$220,433,685

*Provided*, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That in addition to other purposes for which expenditures may be made by the above agency from the youth services aid and assistance account for fiscal year 2022, an amount not to exceed \$300,000 shall be expended by the above agency from such account for fiscal year 2022 for the purposes of funding the hope ranch for women pilot program: *And provided further*, That in addition to other purposes for which expenditures may be made by the above agency from such account for fiscal year 2022, expenditures shall be made by the above agency from such account for fiscal year 2022 for the creation of a report detailing activities conducted during the hope

ranch for women pilot program, including the number of women served, the demographics of women served, the client service needs at intake, the length of services, the reasons for any cases closing, the recidivism rate, the client costs and the average project costs, and a budget itemization report and budget transaction report: *And provided further*, That the secretary for children and families shall submit such report to the house of representatives committee on social services budget on or before January 31, 2022.

Vocational rehabilitation aid and assistance (629-00-1000-5010).....\$2,708,100  
*Provided*, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures may be made from this account for the acquisition of durable medical equipment and assistive technology devices: *And provided further*, That expenditures may be made from this account by the secretary for children and families for the purchase of workers compensation insurance for consumers of vocational rehabilitation services and assessments at work sites and job tryout sites throughout the state.

Cash assistance (629-00-1000-2010).....\$7,496,869  
*Provided*, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Social welfare fund (629-00-2195-0110).....No limit
- Other state fees fund (629-00-2220).....No limit
- Child welfare services state grants federal fund (629-00-3306-0341).....No limit
- Social services block grant –  
federal fund (629-00-3307-0370).....No limit
- Temporary assistance to needy families federal fund (629-00-3323-0530).....No limit
- Title IV-B promoting safe/stable families federal fund (629-00-3302).....No limit
- Title IV-E foster care federal fund (629-00-3337-0419).....No limit
- Medical assistance program federal fund (629-00-3414).....No limit
- Rehabilitation services – vocational rehabilitation  
federal fund (629-00-3315).....No limit
- SRS enterprise fund (629-00-5105).....No limit
- Child support enforcement federal fund (629-00-3316).....No limit
- Low-income home energy assistance federal fund (629-00-3305-0350).....No limit
- Children's health insurance program  
federal fund (629-00-3424-0541).....No limit
- SNAP employment and training exchange  
federal fund (629-00-3452-3452).....No limit
- Commodity supp food program  
federal fund (629-00-3308-3215).....No limit
- Social security – disability insurance federal fund (629-00-3309-0390).....No limit
- Supplemental nutrition assistance program  
federal fund (629-00-3311).....No limit
- Emergency food assistance program federal fund (629-00-3313-2310).....No limit

Child care and development mandatory and matching federal fund (629-00-3318-0523).....	No limit
Chafee education and training vouchers program federal fund (629-00-3338-0425).....	No limit
Adoption incentive payments federal fund (629-00-3343-0426).....	No limit
Adoption assistance federal fund (629-00-3357-0418).....	No limit
Chafee foster care independence program federal fund (629-00-3365-0417).....	No limit
Refugee and entrant assistance federal fund (629-00-3378).....	No limit
Headstart federal fund (629-00-3379-6323).....	No limit
Developmental disabilities basic support federal fund (629-00-3380-4360).....	No limit
Children's justice grants to states federal fund (629-00-3381-7320).....	No limit
Child abuse and neglect state grants federal fund (629-00-3382-7210).....	No limit
Independent living state grants federal fund (629-00-3387).....	No limit
Independent living services for older blind federal fund (629-00-3388-5313).....	No limit
Supported employment for individuals with severe disabilities federal fund (629-00-3389).....	No limit
Child care discretionary federal fund (629-00-3028-0522).....	No limit
SNAP technology project for success federal fund (629-00-3327-3327).....	No limit
Project maintenance reserve fund (629-00-2214-0150).....	No limit
Receipt suspense clearing fund (629-00-9212-0910).....	No limit
Client assistance payment clearing fund (629-00-9214-0930).....	No limit
Child support collections clearing fund (629-00-9218-0970).....	No limit
EBT settlement fund (629-00-9219-0980).....	No limit
CAP settlement fund (629-00-9219-0990).....	No limit
Credit card clearing fund (629-00-9405-9400).....	No limit
TEFAP trade mitigation program (629-00-3409-2315).....	No limit
ESSA preschool develop grant federal fund (629-00-3608-0525).....	No limit
Coronavirus relief fund (629-00-3753).....	No limit
Child-care disaster federal fund (629-00-3597-3597).....	No limit
Prevention services grant fund (629-00-3813-0428).....	No limit

(c) During the fiscal year ending June 30, 2022, the secretary for children and families, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2022, from the state general fund for the Kansas department for children and families to another item of appropriation for fiscal year 2022 from the state general fund for the Kansas department for children and families. The secretary for children and families shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) During the fiscal year ending June 30, 2022, the secretary for children and families, with the approval of the director of the budget and subject to the provisions of federal grant agreements, may transfer moneys received under a federal grant that are credited to a federal fund of the Kansas department for children and families to another federal fund of the Kansas department for children and families. The secretary for children and families shall certify each such transfer to the director of accounts and

reports and shall transmit a copy of each such certification to the director of legislative research.

(e) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2022, the following:

Child care (629-00-2000-2406).....\$5,033,679  
*Provided*, That any unencumbered balance in the child care account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Family preservation (629-00-2000-2413).....\$3,241,062  
*Provided*, That any unencumbered balance in the family preservation account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(f) During the fiscal year ending June 30, 2022, notwithstanding the provisions of K.S.A. 39-709, and amendments thereto, or any other statute, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2022 by this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys to apply for a waiver from the United States department of agriculture for the time-limited assistance provisions for able-bodied adults between 18 and 49 years of age without dependents in the household under the food assistance program if the secretary can establish that there are insufficient jobs for the employment for such individuals using criteria that is not less restrictive than the criteria established under 7 C.F.R. § 273.24.

(g) During the fiscal year ending June 30, 2022, notwithstanding the provisions of K.S.A. 39-709, and amendments thereto, or any other statute, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2022 by this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys to allow any single parent of a child who is between three months and one year of age to fulfill work participation requirements under the cash assistance program by engaging in in-home parenting skills training.

Sec. 88.

KANSAS GUARDIANSHIP PROGRAM

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

Kansas guardianship program (261-00-1000-0300).....\$2,847  
Sec. 89.

KANSAS GUARDIANSHIP PROGRAM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Kansas guardianship program (261-00-1000-0300).....\$1,375,959  
*Provided*, That any unencumbered balance in the Kansas guardianship program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Sec. 90.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the

fiscal year ending June 30, 2022, the following:

Supplemental state aid (652-00-1000-0840).....\$148,000  
*Provided*, That any unencumbered balance in the supplemental state aid account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Juvenile transitional crisis center pilot (652-00-1000-0210).....\$300,000

*Provided*, That expenditures from the juvenile transitional crisis center pilot project account shall be used by the above agency during fiscal year 2022 to develop a regional crisis center pilot project at the Beloit special education cooperative, founded on research and evidence-based practices designed to meet the unique social and emotional needs of students identified as at-risk or with disabilities: *Provided further*; That such project shall provide individualized programming to attain such student's high school diploma and job skills while working through the social skills program: *And provided further*; That the commissioner of education shall provide an update on the implementation of the pilot project developed by this proviso to the legislature on or before the first day of the 2022 regular legislative session.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansans read Dolly Parton imagination library fund.....No limit  
*Provided*, That expenditures from the Kansans read Dolly Parton imagination library fund shall be used by the children's cabinet to develop and implement a statewide program for the purpose of cooperating with the Dolly Parton imagination library to provide books for all Kansas children five years of age and under free of charge: *Provided further*; That the program shall be funded using only federal grant funds awarded for such program or from private gifts and donations made for such a program: *And provided further*; That the above agency is hereby authorized to accept gifts and donations of money during fiscal year 2022 for the Kansans read Dolly Parton imagination library program or purposes related thereto.

(c) During the fiscal year ending June 30, 2022, notwithstanding the provisions of K.S.A. 72-5145, and amendments thereto, or any other statute, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2022 as authorized by section 80 of chapter 5 of the 2020 Session Laws of Kansas, this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys for the state board of education to determine the amount of the supplemental state aid unified school district No. 499, Galena, is to receive for school year 2021-2022 by determining the assessed valuation per student of such school district for the current school year and ranking such district on the basis of the amount of such assessed valuation per student in accordance with the provisions of K.S.A. 72-5145, and amendments thereto.

Sec. 91.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Supplemental state aid (652-00-1000-0840).....\$90,000

*Provided*, That any unencumbered balance in the supplemental state aid account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansans read Dolly Parton imagination library fund.....No limit

*Provided*, That expenditures from the Kansans read Dolly Parton imagination library fund shall be used by the children's cabinet to develop and implement a state wide program for the purpose of cooperating with the Dolly Parton imagination library to provide books for all Kansas children five years of age and under free of charge:

*Provided further*; That the program shall be funded using only federal grant funds awarded for such program or from private gifts and donations made for such a program:

*And provided further*; That the above agency is hereby authorized to accept gifts and donations of money during fiscal year 2023 for the Kansans read Dolly Parton imagination library program or purposes related thereto.

(c) During the fiscal year ending June 30, 2023, notwithstanding the provisions of K.S.A. 72-5145, and amendments thereto, or any other statute, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023 as authorized by this or other appropriation act of the 2021 or 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys for the state board of education to determine the amount of the supplemental state aid unified school district No. 499, Galena, is to receive for school year 2022-2023 by determining the assessed valuation per student of such school district for the current school year and ranking such district on the basis of the amount of such assessed valuation per student in accordance with the provisions of K.S.A. 72-5145, and amendments thereto.

Sec. 92.

STATE LIBRARY

(a) On the effective date of this act, of the \$1,430,961 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 81(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the operating expenditures account (434-00-1000-0300), the sum of \$135,088 is hereby lapsed.

(b) On the effective date of this act, of the \$1,703,418 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 81(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the grants to libraries and library systems – interlibrary loan development account (434-00-1000-0420), the sum of \$567,951 is hereby lapsed.

(c) On the effective date of this act, of the \$447,784 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 81(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the grants to libraries and library systems – talking books services account (434-00-1000-0430), the sum of \$17,381 is hereby lapsed.

Sec. 93.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (434-00-1000-0300).....\$1,293,285

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$755.

Grants to libraries and library systems – grants in aid (434-00-1000-0410).....\$1,067,914

*Provided*, That any unencumbered balance in the grants to libraries and library systems – grants in aid account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Grants to libraries and library systems – interlibrary loan development (434-00-1000-0420).....\$1,133,467

*Provided*, That any unencumbered balance in the grants to libraries and library systems – interlibrary loan development account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Grants to libraries and library systems – talking book services (434-00-1000-0430).....\$433,985

*Provided*, That any unencumbered balance in the grants to libraries and library systems – talking book services account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State library fund (434-00-2076-2500).....No limit

Federal library services and technology act – fund (434-00-3257-3000).....No limit

Grants and gifts fund (434-00-7304-7000).....No limit

Statewide database contribution (434-00-7304-7003).....No limit

Coronavirus relief fund (434-00-3753).....No limit

Sec. 94.

KANSAS STATE SCHOOL FOR THE BLIND

(a) On the effective date of this act, of the \$5,655,281 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 82(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the operating expenditures account (604-00-1000-0303), the sum of \$9 is hereby lapsed.

Sec. 95.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (604-00-1000-0303).....\$5,707,392

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures from the operating expenditures for official

hospitality shall not exceed \$2,000.

Arts for the handicapped (604-00-1000-0502).....\$133,847  
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- General fees fund (604-00-2093-2000).....No limit
  - Local services reimbursement fund (604-00-2088-2500).....No limit
  - Provided*, That the Kansas state school for the blind is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts: *Provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local services reimbursement fund.
  - Student activity fees fund (604-00-2146-2100).....No limit
  - Special bequest fund (604-00-7333-5001).....No limit
  - Gift fund (604-00-7329-5100).....No limit
  - Nine month payroll clearing fund (604-00-7714-5200).....No limit
  - Education improvement – federal fund (604-00-3898-3750).....No limit
  - Preparation and mentoring of teachers of the blind and visually impaired – federal fund (604-00-3184-3180).....No limit
  - Special education state grants – federal fund (604-00-3234-3234).....No limit
  - Federal school lunch – federal fund (604-00-3530-3528).....No limit
  - School breakfast program – federal fund (604-00-3529-3529).....No limit
  - Deaf-blind project – federal fund (604-00-3583-3583).....No limit
  - Safe schools – federal fund (604-00-3569-3569).....No limit
  - Child and adult care food program – federal fund (604-00-3531-3531).....No limit
  - Summer food service program – federal fund (604-00-3591-3591).....No limit
  - Coronavirus relief fund (604-00-3753).....No limit
- Sec. 96.

KANSAS STATE SCHOOL FOR THE DEAF

(a) On the effective date of this act, of the \$9,519,915 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 83(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the operating expenditures account (610-00-1000-0303), the sum of \$401 is hereby lapsed.

(b) On the effective date of this act, of the \$400,250 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 137(a) of chapter 5 of the 2020 Session Laws of Kansas from the state institutions building fund in the rehabilitation and repair projects account (610-00-8100-8108), the sum of \$7,335 is hereby lapsed.

(c) On the effective date of this act, any unencumbered balance in the facilities conservation improvement debt service account (610-00-8100-8120) of the state institutions building fund is hereby lapsed.

Sec. 97.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

- Operating expenditures (610-00-1000-0303).....\$9,600,683

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- General fees fund (610-00-2094-2000).....No limit
- Local services reimbursement fund (610-00-2091-2200).....No limit

*Provided*, That the Kansas state school for the deaf is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts: *Provided further*; That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local services reimbursement fund.

- Student activity fees fund (610-00-2147-2100).....No limit
  - Special bequest fund (610-00-7321-5500).....No limit
  - Special workshop fund (610-00-7504-5800).....No limit
  - Gift fund (610-00-7330-5600).....No limit
  - Nine month payroll clearing fund (610-00-7715-5700).....No limit
  - Special education state grants – federal fund (610-00-3234-3234).....No limit
  - School breakfast program – federal fund (610-00-3529-3529).....No limit
  - School lunch program federal fund (610-00-3530-3530).....No limit
  - Special education preschool grants – federal fund (610-00-3535-3535).....No limit
  - Universal newborn screening – federal fund (610-00-3459-3459).....No limit
  - Summer food service program – federal fund (610-00-3591-3591).....No limit
  - Early hearing detection and intervention – federal fund (610-00-3612-3612).....No limit
  - Coronavirus relief fund (610-00-3753).....No limit
- Sec. 98.

STATE HISTORICAL SOCIETY

(a) On the effective date of this act, of the \$4,234,976 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 84(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the operating expenditures account (288-00-1000-0083), the sum of \$22,042 is hereby lapsed.

(b) On the effective date of this act, the \$20,000 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 84(e) of chapter 5 of the 2020 Session Laws of Kansas from the state economic development initiatives fund in humanities Kansas – crossroads conversations account (288-00-1900), is hereby lapsed.  
Sec. 99.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

- Operating expenditures (288-00-1000-0083).....\$3,793,494

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Humanities Kansas (288-00-1000-0600).....\$45,451

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2021, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Vehicle repair and replacement fund (288-00-6116-6000).....No limit

General fees fund (288-00-2047-2300).....No limit

Archeology fee fund (288-00-2638-2350).....No limit

*Provided*, That expenditures may be made from the archeology fee fund for operating expenses for providing archeological services by contract: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing archeological services by contract: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the archeology fee fund.

Conversion of materials and equipment fund (288-00-2436-2700).....No limit

Soil/water conservation fund (288-00-3083-3110).....No limit

Microfilm fees fund (288-00-2246-2370).....No limit

*Provided*, That expenditures may be made from the microfilm fees fund for operating expenses for providing imaging services: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing imaging services: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the microfilm fees fund.

Records center fee fund (288-00-2132-2100).....No limit

*Provided*, That expenditures may be made from the records center fee fund for operating expenses for state records and for the trusted digital repository for electronic government records.

Historic properties fee fund (288-00-2164-2310).....No limit

Historic preservation grants in aid fund (288-00-3089-3700).....No limit

Historic preservation overhead fees fund (288-00-2916-2380).....No limit

National historic preservation act fund – local (288-00-3089-3000).....No limit

Private gifts, grants and bequests fund (288-00-7302-7000).....No limit

Museum and historic sites visitor donation fund (288-00-2142-2250).....No limit

Insurance collection replacement/reimbursement fund (288-00-2182-2320).....No limit

Heritage trust fund (288-00-7379-7600).....No limit

*Provided*, That expenditures from the heritage trust fund for state operations shall not exceed \$84,670.

Land survey fee fund (288-00-2234-2330).....No limit

*Provided*, That, notwithstanding the provisions of K.S.A. 58-2011, and amendments thereto, expenditures may be made by the above agency from the land survey fee fund for the fiscal year 2022 for operating expenditures that are not related to administering

the land survey program.

National trails fund (288-00-3553-3353).....	No limit
State historical society facilities fund (288-00-2192-2420).....	No limit
Historic properties fund (288-00-2144-2400).....	No limit
Law enforcement memorial fund (288-00-7344-7300).....	No limit
Highway planning/construction fund (288-00-3333-3333).....	No limit
Coronavirus relief fund (288-00-3753).....	No limit
Save America's treasures fund (288-00-3923-4000).....	No limit
Archeology federal fund (288-00-3083-3110).....	No limit
Property sale proceeds fund (288-00-2414-2500).....	No limit

*Provided*, That proceeds from the sale of property pursuant to K.S.A. 75-2701, and amendments thereto, shall be deposited in the state treasury and credited to the property sale proceeds fund.

(c) Notwithstanding the provisions of K.S.A. 75-2721, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2022, as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2022 to fix admission fees at constitution hall in Lecompton, Kansas, at \$3 per adult single admission, \$1 per student single admission, \$2 per student for guided tours and \$3 per adult for guided tours: *Provided, however*; That such admission fees may be increased by the above agency during fiscal year 2022 if all moneys from such admission fees are invested in constitution hall and the total amount of such admission fees exceeds the amount of the Lecompton historical society's constitution hall promotional expenses as determined by the average of such promotional expenses for the preceding three calendar years: *Provided further*; That the state historical society may request annual financial statements from the Lecompton historical society for the purpose of calculating such three-year average of promotional expenses.

Sec. 100.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (including official hospitality) (246-00-1000-0013).....	\$34,797,238
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*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Master's-level nursing capacity (246-00-1000-0100).....	\$135,393
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Kansas wetlands education center at Cheyenne bottoms (246-00-1000-0200).....	\$255,845
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*Provided*, That any unencumbered balance in the Kansas wetlands education center at Cheyenne bottoms account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Kansas academy of math and science (246-00-1000-0300).....	\$734,520
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*Provided*, That any unencumbered balance in the Kansas academy of math and

science account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (246-00-5185-5050).....No limit  
*Provided*, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.

General fees fund (246-00-2035-2000).....No limit  
*Provided*, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund (246-00-2510-2040).....No limit  
*Provided*, That restricted fees shall be limited to receipts for the following accounts: Special events; technology equipment; Gross coliseum services; capital improvements; performing arts center services; farm income; choral music clinic; yearbook; off-campus tours; memorial union activities; student activity (unallocated); tiger media; conferences, clinics and workshops – noncredit; summer laboratory school; little theater; library services; student affairs; speech and debate; student government; counseling center services; interest on local funds; student identification cards; nurse education programs; athletics; placement fees; virtual college classes; speech and hearing; child care services for dependent students; computer services; interactive television contributions; midwestern student exchange; departmental receipts for all sales, refunds and other collections not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the midwestern student exchange account of the restricted fees fund: *And provided further*, That expenditures may be made from the restricted fees fund for official hospitality.

Education opportunity act – federal fund (246-00-3394-3500).....No limit  
Service clearing fund (246-00-6000).....No limit

*Provided*, That the service clearing fund shall be used for the following service activities: Computer services, storeroom for official supplies including office supplies, paper products, janitorial supplies, printing and duplicating, car pool, postage, copy center, and telecommunications and such other internal service activities as are

authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Commencement fees fund (246-00-2511-2050).....No limit

Health fees fund (246-00-5101-5000).....No limit

*Provided*, That expenditures from the health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Student union fees fund (246-00-5102-5010).....No limit

*Provided*, That expenditures may be made from the student union fees fund for official hospitality.

Kansas career work study program fund (246-00-2548-2060).....No limit

Economic opportunity act – federal fund (246-00-3034-3000).....No limit

Faculty of distinction matching fund (246-00-2471-2400).....No limit

Nine month payroll clearing account fund (246-00-7709-7060).....No limit

Federal Perkins student loan fund (246-00-7501-7050).....No limit

Housing system revenue fund (246-00-5103-5020).....No limit

*Provided*, That expenditures may be made from the housing system revenue fund for official hospitality.

Institutional overhead fund (246-00-2900-2070).....No limit

Oil and gas royalties fund (246-00-2036-2010).....No limit

Housing system suspense fund (246-00-5707-5090).....No limit

Sponsored research overhead fund (246-00-2914-2080).....No limit

Kansas distinguished scholarship fund (246-00-7204-7000).....No limit

Temporary deposit fund (246-00-9013-9400).....No limit

Federal receipts suspense fund (246-00-9105-9410).....No limit

Suspense fund (246-00-9134-9420).....No limit

Mandatory retirement annuity clearing fund (246-00-9136-9430).....No limit

Voluntary tax shelter annuity clearing fund (246-00-9163-9440).....No limit

Agency payroll deduction clearing fund (246-00-9197-9450).....No limit

Pre-tax parking clearing fund (246-00-9220-9200).....No limit

University payroll fund (246-00-9800).....No limit

University federal fund (246-00-3141-3140).....No limit

*Provided*, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *Provided further*, That expenditures may be made by the above agency from this fund to procure a policy of accident, personal liability and excess automobile liability insurance insuring volunteers participating in the senior companion program against loss in accordance with specifications of federal grant guidelines as provided in K.S.A. 75-4101, and amendments thereto.

Coronavirus relief federal fund (246-00-3753).....No limit

Governor's emergency education relief fund (246-00-3638).....No limit

(c) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Fort Hays state university of not to exceed \$125,000 from the general fees fund (246-00-2035-2000) to the federal Perkins student loan fund (246-00-7501-7050).

Sec. 101.

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

Kansas state university polytechnic campus (including official hospitality) (367-00-1000-0150).....\$160,080

(b) On the effective date of this act, of the \$93,770,628 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 87(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the operating expenditures (including official hospitality) account (367-00-1000-0003), the sum of \$11,652 is hereby lapsed.

(c) On the effective date of this act, of the \$6,077,393 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 87(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the global food systems account (367-00-1000-0190), the sum of \$1,077,393 is hereby lapsed.

(d) On the effective date of this act, of the \$137,436 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 87(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the midwest institute for comparative stem cell biology account (367-00-1000-0170), the sum of \$7,603 is hereby lapsed.

Sec. 102.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (including official hospitality) (367-00-1000-0003).....\$99,234,360

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Midwest institute for comparative stem cell biology (367-00-1000-0170).....\$127,178

*Provided*, That any unencumbered balance in the midwest institute for comparative stem cell biology account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Global food systems (367-00-1000-0190).....\$4,897,768

*Provided*, That unencumbered balance in the global food systems account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*; That all moneys in the global food systems account expended for fiscal year 2022 shall be matched by Kansas state university on a \$1-for-\$1 basis from other moneys of Kansas state university: *And provided further*; That Kansas state university shall submit a plan to the house committee on appropriations, the senate committee on ways and means and the governor as to how the global food systems-related activities create additional jobs in the state and other economic value, particularly for and with the private sector, for fiscal year 2022.

Kansas state university polytechnic campus (including official hospitality) (367-00-1000-0150).....\$6,991,557

*Provided*, That any unencumbered balance in the Kansas state university polytechnic

campus (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (367-00-5181).....No limit  
*Provided*, That expenditures may be made from the parking fees fund for capital improvement projects for parking improvements.

Faculty of distinction matching fund (367-00-2472-2500).....No limit  
General fees fund (367-00-2062-2000).....No limit

*Provided*, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Interest on endowment fund (367-00-7100-7200).....No limit  
Restricted fees fund (367-00-2520-2080).....No limit

*Provided*, That restricted fees shall be limited to receipts for the following accounts: Technology equipment; flight services; communications and marketing; computer services; copy centers; standardized test fees; placement center; recreational services; polytechnic campus; motor pool; music; professorships; student activities fees; biology sales and services; chemistry; field camps; physics storeroom; sponsored research, sponsored instruction, sponsored public service, equipment and facility grants; contract-post office; library collections; sponsored construction or improvement projects; attorney, educational and personal development, human capital services; student financial assistance; application for undergraduate programs; speech and hearing; gifts; human development and family research and training; college of education – publications and services; guaranteed student loan application processing; auditorium receipts; catalog sales; interagency consulting; sales and services of educational programs; transcript fees; facility use fees; college of health and human sciences storeroom; college of health and human sciences sales; application for post baccalaureate programs; art exhibit fees; college of education – Kansas careers; foreign student application fee; student union repair and replacement reserve; departmental receipts for all sales, refunds and other collections; institutional support fee; miscellaneous renovations – construction; speech receipts; art museum; exchange program; flight training lab fees; administrative reimbursements; parking fees; printing; short courses and conferences; student government association receipts; late registration fee; engineering equipment fee; architecture equipment fee; biotechnology facility; English language program; international programs; Bramlage coliseum; planning and analysis; telecommunications; comparative medicine; Marlatt memorial park; departmental student organization receipts; other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted

fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures from the restricted fees fund may be made for the purchase of insurance for operation and testing of completed project aircraft and for operation of aircraft used in professional pilot training, including coverage for public liability, physical damage, medical payments and voluntary settlement coverages: *And provided further*, That expenditures may be made from this fund for official hospitality.

Kansas career work study program fund (367-00-2540-2090).....No limit  
 Service clearing fund (367-00-6003-7000).....No limit

*Provided*, That the service clearing fund shall be used for the following service activities: Supplies stores; telecommunications services; photographic services; K-State printing services; postage; facilities services; facilities carpool; public safety services; facility planning services; facilities storeroom; computing services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Sponsored research overhead fund (367-00-2901-2160).....No limit

*Provided*, That expenditures may be made from the sponsored research overhead fund for official hospitality.

Housing system suspense fund (367-00-5708-4830).....No limit  
 Housing system operations fund (367-00-5163).....No limit

*Provided*, That expenditures may be made from the housing system operations fund for official hospitality.

State emergency fund – building repair (367-00-2451-2451).....No limit

Housing system repair, equipment and improvement fund (367-00-5641-4740).....No limit

Coliseum system repair, equipment and improvement fund (367-00-5642-4750).....No limit

Mandatory retirement annuity clearing fund (367-00-9137-9310).....No limit

Student health fees fund (367-00-5109-4410).....No limit

*Provided*, That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Scholarship funds fund (367-00-7201-7210).....No limit

Perkins student loan fund (367-00-7506-7260).....No limit

Federal award advance payment – U.S. department of education awards fund (367-00-3855-3350).....No limit

State agricultural university fund (367-00-7400-7250).....No limit

Salina – student union fees fund (367-00-5114-4420).....No limit

Salina – housing system revenue fund (367-00-5117-4430).....No limit

Salina – housing system suspense fund (367-00-5724-4890).....No limit

Kansas comprehensive grant fund (367-00-7223-7300).....No limit

Temporary deposit fund (367-00-9020-9300).....No limit

Business procurement card clearing fund (367-00-9102-9400).....No limit

Suspense fund (367-00-9146-9320).....No limit

Voluntary tax shelter annuity clearing fund (367-00-9164-9330).....No limit

Agency payroll deduction clearing fund (367-00-9186-9360).....No limit

Pre-tax parking clearing fund (367-00-9221-9200).....No limit

Salina student life center revenue fund (367-00-5111-5120).....No limit  
 Child care facility revenue fund (367-00-5125-5101).....No limit  
 University federal fund (367-00-3142).....No limit  
 Animal health research fund (367-00-2053-2053).....No limit  
 National bio agro-defense facility fund (367-00-2058-2058).....No limit  
*Provided*, That all expenditures from the national bio agro-defense facility fund shall be approved by the president of Kansas state university.

Kan-grow engineering fund – KSU (367-00-2154-2154).....No limit  
 Payroll clearing fund (367-00-9801-9000).....No limit  
 Fed ext emp clearing fund – employee deduct (367-00-9182-9340).....No limit  
 Fed ext emp clearing fund – employer deduct (367-00-9183-9350).....No limit  
 Temp dep fund external source (367-00-9065-9305).....No limit  
 Nine month payroll clearing fund (367-00-7710-7270).....No limit  
 Interest bearing grants fund (367-00-2630-2630).....No limit

*Provided*, That, on or before the 10<sup>th</sup> day of each month commencing during fiscal year 2022, the director of accounts and reports shall transfer from the state general fund to the interest bearing grants fund interest earnings based on: (1) The average daily balance in the interest bearing grants fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Student union renovation expansion revenue fund (367-00-5191-4650).....No limit  
 Coronavirus relief federal fund (367-00-3753).....No limit  
 Governor's emergency education relief fund (367-00-3638).....No limit  
 Sec. 103.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS  
 AND AGRICULTURE RESEARCH PROGRAMS

(a) On the effective date of this act, of the \$19,422,522 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 89(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the cooperative extension service (including official hospitality) account (369-00-1000-1020), the sum of \$11,381 is hereby lapsed.

(b) On the effective date of this act, of the \$31,074,754 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 89(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the agricultural experiment stations (including official hospitality) account (369-00-1000-1030), the sum of \$9,822 is hereby lapsed.

(c) On the effective date of this act, of the \$861,991 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 89(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the wildfire suppression/state forest service account (369-00-1000-1040), the sum of \$213,689 is hereby lapsed.

(d) During the fiscal year ending June 30, 2021, no moneys appropriated from the state general fund or any special revenue fund or funds for Kansas state university or Kansas state university extension systems and agriculture research programs shall be

expended on or after the effective date of this act by Kansas state university or Kansas state university extension systems and agriculture research programs, directly or indirectly, to: (1) Require participants to wear a face covering while participating in any 4-H organization, unit, event or activity; or (2) require participants to have a COVID-19 vaccination to participate in any 4-H organization, unit, event or activity.

Sec. 104.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Cooperative extension service (including official hospitality) (369-00-1000-1020).....\$19,198,926

Provided, That any unencumbered balance in the cooperative extension service (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Agricultural experiment stations (including official hospitality) (369-00-1000-1030).....\$30,721,946

Provided, That any unencumbered balance in the agricultural experiment stations (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Wildfire suppression/state forest service (369-00-1000-1040).....\$636,710

Provided, That any unencumbered balance in the wildfire suppression/state forest service account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Restricted fees fund (369-00-2697-1100).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Plant pathology; Kansas artificial breeding service unit; technology equipment; professorships; agricultural experiment station, director's office; agronomy – Ashland farm; KSU agricultural research center – Hays; KSU southeast agricultural research center; KSU southwest research extension center; agronomy – general; agronomy – experimental field crop sales; entomology sales; grain science and industry – Kansas state university; food and nutrition research; extension services and publication; sponsored construction or improvement projects; gifts; comparative medicine; sales and services of educational programs; animal sciences and industry livestock and product sales; horticulture greenhouse and farm products sales; Konza prairie operations; departmental receipts for all sales, refunds and other collections; institutional support fee; KSU northwest research center operations; sponsored research, public service, equipment and facility grants; statistical laboratory; equipment/pesticide storage building; miscellaneous renovation – construction; other specifically designated receipts not available for general operations of the university: Provided, however, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend

or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from the Kansas agricultural mediation service account of the restricted fees fund during fiscal year 2022: *And provided further*, That expenditures may be made from this fund for official hospitality.

Fertilizer research fund (369-00-2263-1150).....	No limit
Sponsored research overhead fund (369-00-2921-1200).....	No limit
<i>Provided</i> , That expenditures may be made from the sponsored research overhead fund for official hospitality.	
Federal awards – advance payment fund (369-00-3872-1360).....	No limit
Smith-Lever special program grant – federal fund (369-00-3047-1330).....	No limit
Faculty of distinction matching fund (369-00-2479-1190).....	No limit
Agricultural land use-value fund (369-00-2364-1180).....	No limit
University federal fund (369-00-3144).....	No limit
Coronavirus relief federal fund (369-00-3753).....	No limit
Governor's emergency education relief fund (369-00-3638).....	No limit

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2022, the following:

Agricultural experiment stations (369-00-1900-1900).....	\$307,939
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(d) During the fiscal year ending June 30, 2022, no moneys appropriated from the state general fund or any special revenue fund or funds for Kansas state university or Kansas state university extension systems and agriculture research programs shall be expended on or after July 1, 2021, by Kansas state university or Kansas state university extension systems and agriculture research programs, directly or indirectly, to: (1) Require participants to wear a face covering while participating in any 4-H organization, unit, event or activity; or (2) require participants to have a COVID-19 vaccination to participate in any 4-H organization, unit, event or activity.

Sec. 105.

KANSAS STATE UNIVERSITY  
VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (including official hospitality) (368-00-1000-5003).....	\$10,376,738
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*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Operating enhancement (368-00-1000-5023).....	\$4,757,733
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*Provided*, That any unencumbered balance in the operating enhancement account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That all expenditures from the operating enhancement account shall be expended in accordance with the plan submitted by the board of regents for improving the rankings of the Kansas state university veterinary medical center and

shall be approved by the president of Kansas state university.

Veterinary training program for rural Kansas (368-00-1000-5013).....\$378,000  
*Provided*, That any unencumbered balance in the veterinary training program for rural Kansas account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund (368-00-2129-5500).....No limit  
*Provided*, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Vet health center revenue fund (including official hospitality) (368-00-5160-5300).....No limit

Faculty of distinction matching fund (368-00-2478-5220).....No limit

Restricted fees fund (368-00-2590-5530).....No limit

*Provided*, That restricted fees shall be limited to receipts for the following accounts: Sponsored research, instruction, public service, equipment and facility grants; sponsored construction or improvement projects; technology equipment; pathology fees; laboratory test fees; miscellaneous renovations or construction; dean of veterinary medicine receipts; gifts; application for postbaccalaureate programs; professorship; embryo transfer unit; swine serology; rapid focal fluorescent inhibition test; comparative medicine; storerooms; departmental receipts for all sales, refunds and other collections; departmental student organization receipts; other specifically designated receipts not available for general operation of the Kansas state university veterinary medical center: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund for official hospitality.

Health professions student loan fund (368-00-7521-5710).....No limit

University federal fund (368-00-3143-5140).....No limit

Coronavirus relief federal fund (368-00-3753).....No limit

Governor's emergency education relief fund (368-00-3638).....No limit

(c) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed a total of \$15,000 from the general fees fund (368-00-2129-5500) to the health professions student loan fund (368-00-7521-5710).

Sec. 106.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (including official hospitality) (379-00-1000-0083).....\$33,574,431

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Reading recovery program (379-00-1000-0100).....\$200,862

*Provided*, That expenditures may be made from the reading recovery program account for official hospitality.

Nat'l board cert/future teacher academy (379-00-1000-0200).....\$121,952

*Provided*, That expenditures may be made from the nat'l board cert/future teacher academy account for official hospitality.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (379-00-5186).....No limit

*Provided*, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.

General fees fund (379-00-2069-2010).....No limit

*Provided*, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Interest on state normal school fund (379-00-7101-7000).....No limit

Restricted fees fund (379-00-2526-2040).....No limit

*Provided*, That restricted fees shall be limited to receipts for the following accounts:

Computer services, student activity; technology equipment; student union; sponsored research; computer services; extension classes; gifts and grants (for teaching, research and capital improvements); capital improvements; business school contributions; state department of education (vocational); library services; library collections; interest on local funds; receipts from conferences, clinics, and workshops held on campus for which no college credit is given; physical plant reimbursements from auxiliary enterprises; midwestern student exchange; departmental receipts – for all sales, refunds and other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the midwestern student exchange account of the restricted fees fund: *And*

*provided further*, That expenditures may be made from the restricted fees fund for official hospitality.

Service clearing fund (379-00-6004).....No limit

*Provided*, That the service clearing fund shall be used for the following service activities: Telecommunications services; state car operation; ESU press including duplicating and reproducing; postage; physical plant storeroom including motor fuel inventory; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Commencement fees fund (379-00-2527-2050).....No limit

Kansas career work study program fund (379-00-2549-2060).....No limit

Student health fees fund (379-00-5115-5010).....No limit

*Provided*, That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Faculty of distinction matching fund (379-00-2473-2400).....No limit

Bureau of educational measurements fund (379-00-5118-5020).....No limit

National direct student loan fund (379-00-7507-7040).....No limit

Economic opportunity act – work study – federal fund (379-00-3128-3000).....No limit

Educational opportunity grants – federal fund (379-00-3129-3010).....No limit

Basic opportunity grant program – federal fund (379-00-3130-3020).....No limit

Research and institutional overhead fund (379-00-2902-2070).....No limit

Kansas comprehensive grant fund (379-00-7224-7060).....No limit

Housing system suspense fund (379-00-5701-5130).....No limit

Housing system operations fund (379-00-5169-5050).....No limit

Kansas distinguished scholarship fund (379-00-2762-2700).....No limit

University federal fund (379-00-3145).....No limit

*Provided*, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Twin towers project revenue fund (379-00-5120-5030).....No limit

Nine month payroll clearing fund (379-00-7712-7050).....No limit

Temporary deposit fund (379-00-9022-9510).....No limit

Federal receipts suspense fund (379-00-9085-9520).....No limit

Suspense fund (379-00-9021).....No limit

Mandatory retirement annuity clearing fund (379-00-9138-9530).....No limit

Voluntary tax shelter annuity clearing fund (379-00-9165-9540).....No limit

Agency payroll deduction clearing fund (379-00-9196-9550).....No limit

Pre-tax parking clearing fund (379-00-9222-9200).....No limit

University payroll fund (379-00-9802).....No limit

Leveraging educational assistance partnership federal fund (379-00-3224-3200).....No limit

National direct student loan fund (379-00-7507-7040).....No limit

Student union refurbishing fund (379-00-5161-5040).....No limit

Housing system repairs, equipment and improvement fund (379-00-5650-5120).....No limit

Coronavirus relief federal fund (379-00-3753).....No limit  
 Governor's emergency education relief fund (379-00-3638).....No limit  
 Sec. 107.

PITTSBURG STATE UNIVERSITY

(a) On the effective date of this act, of the \$1,065,834 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 94(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the school of construction account (385-00-1000-0200), the sum of \$317,665 is hereby lapsed.

(b) On the effective date of this act, of the \$1,416,639 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 94(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the polymer science program account (385-00-1000-0300), the sum of \$11,610 is hereby lapsed.

Sec. 108.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (including official hospitality) (385-00-1000-0063).....\$36,113,281

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

School of construction (385-00-1000-0200).....\$751,493

*Provided*, That any unencumbered balance in the school of construction account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Polymer science program (385-00-1000-0300).....\$1,009,386

*Provided*, That any unencumbered balance in the polymer science program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (385-00-5187-5060).....No limit

*Provided*, That expenditures may be made from the parking fees fund for capital improvement projects for parking lot improvements.

General fees fund (385-00-2070-2010).....No limit

*Provided*, That all moneys received for tuition received from students participating in the gorilla advantage program or the midwestern student exchange program shall be deposited in the state treasury to the credit of the general fees fund: *Provided further*; That expenditures may be made from the general fees fund to match federal grant moneys: *And provided further*; That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund (385-00-2529-2040).....No limit

*Provided*, That restricted fees shall be limited to receipts for the following accounts:

Computer services; capital improvements; instructional technology fee; technology equipment; student activity fee accounts; commencement fees; ROTC activities; continuing education receipts; vocational auto parts and service fees; receipts from camps, conferences and meetings held on campus; library service collections and fines; grants from other state agencies; *Midwest Quarterly*; chamber music series; contract – post office; gifts and grants; intensive English program; business and technology institute; public sector radio station activities; economic opportunity – state match; Kansas career work study; regents supplemental grants; departmental receipts, and other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That surplus restricted fees moneys generated by the music department may be transferred to the Pittsburg state university foundation, inc., for the express purpose of awarding music scholarships: *And provided further*, That expenditures may be made from this fund for official hospitality.

Service clearing fund (385-00-6005).....No limit

*Provided*, That the service clearing fund shall be used for the following service activities: Duplicating and printing services; instructional media division; office stationery and supplies; motor carpool; postage services; photo services; telephone services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Hospital and student health fees fund (385-00-5126-5010).....No limit

*Provided*, That expenditures from the hospital and student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center: *Provided further*, That expenditures may be made from this fund for capital improvement projects for hospital and student health center improvements.

Suspense fund (385-00-9024-9510).....No limit

Faculty of distinction matching fund (385-00-2474-2400).....No limit

Perkins student loan fund (385-00-7509-7020).....No limit

Sponsored research overhead fund (385-00-2903-2903).....No limit

College work study federal fund (385-00-3498-3030).....No limit

Nursing student loan fund (385-00-7508-7010).....No limit

Housing system suspense fund (385-00-5703-5170).....No limit

Housing system operations fund (385-00-5165-5050).....No limit

Housing system repairs, equipment and improvement fund (385-00-5646-5160).....No limit

Kansas comprehensive grant fund (385-00-7227-7200).....No limit

Kansas career work study program fund (385-00-2552-2060).....No limit

Nine month payroll clearing fund (385-00-7713-7030).....	No limit
Payroll clearing fund (385-00-9023-9500).....	No limit
Temporary deposit fund (385-00-9025-9520).....	No limit
Federal receipts suspense fund (385-00-9104-9530).....	No limit
BPC clearing fund (385-00-9109-9570).....	No limit
Mandatory retirement annuity clearing fund (385-00-9139-9540).....	No limit
Voluntary tax shelter annuity clearing fund (385-00-9166-9550).....	No limit
Agency payroll deduction clearing fund (385-00-9195-9560).....	No limit
Pre-tax parking clearing fund (385-00-9223-9200).....	No limit
University payroll fund (385-00-9803).....	No limit
University federal fund (385-00-3146).....	No limit

*Provided*, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Overman student center renovation fund (385-00-2820-2820).....	No limit
Student health center revenue fund (385-00-2828-2851).....	No limit
Horace Mann building renovation fund (385-00-2833).....	No limit
Revenue 2014A fund (385-00-5106-5105).....	No limit
Nurse faculty loan program federal fund (385-00-3596-3596).....	No limit
Coronavirus relief federal fund (385-00-3753).....	No limit
Governor's emergency education relief fund (385-00-3638).....	No limit

(c) During the fiscal year ending June 30, 2022, the director of accounts and reports shall transfer amounts specified by the president of Pittsburg state university of not to exceed a total of \$145,000 for all such amounts, from the general fees fund (385-00-2070-2010) to the following specified funds and accounts of funds: Perkins student loan fund (385-00-7509-7020); nursing student loan fund (385-00-7508-7010); and nurse faculty loan program federal fund (385-00-3596-3596).

Sec. 109.

UNIVERSITY OF KANSAS

(a) On the effective date of this act, of the \$6,236,815 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 96(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the geological survey account (682-00-1000-0170), the sum of \$16 is hereby lapsed.

Sec. 110.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (including official hospitality) (682-00-1000-0023).....	\$135,531,729
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*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Geological survey (682-00-1000-0170).....	\$6,137,270
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*Provided*, That any unencumbered balance in the geological survey account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided*

*further*, That in addition to the other purposes for which expenditures may be made by the above agency from the geological survey account of the state general fund for fiscal year 2022, expenditures shall be made by the above agency from the geological survey account of the state general fund for fiscal year 2022 for seismic surveys in an amount not less than \$100,000.

Umbilical cord matrix project (682-00-1000-0370).....\$132,905

*Provided*, That any unencumbered balance in the umbilical cord matrix project account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking facilities revenue fund (682-00-5175-5070).....No limit

*Provided*, That expenditures may be made from the parking facilities revenue fund for capital improvement projects for parking improvements.

Faculty of distinction matching fund (682-00-2475-2500).....No limit

General fees fund (682-00-2107-2000).....No limit

*Provided*, That expenditures may be made from the general fees fund to match federal grant moneys.

Interest fund (682-00-7103-7000).....No limit

Sponsored research overhead fund (682-00-2905-2160).....No limit

Law enforcement training center fund (682-00-2133-2020).....No limit

*Provided*, That expenditures may be made from the law enforcement training center fund to cover the costs of tuition for students enrolled in the law enforcement training program in addition to the costs of salaries and wages and other operating expenditures for the program: *Provided further*, That expenditures may be made from the law enforcement training center fund for the acquisition of tracts of land.

Law enforcement training center fees fund (682-00-2763-2700).....No limit

*Provided*, That all moneys received for tuition from students enrolling in the basic law enforcement training program for undergraduate or graduate credit shall be deposited in the state treasury and credited to the law enforcement training center fees fund.

Restricted fees fund (682-00-2545).....No limit

*Provided*, That restricted fees shall be limited to receipts for the following accounts: Institute for policy and social research; technology equipment; capital improvements; concert course; speech, language and hearing clinic; perceptual motor clinic; application for admission fees; named professorships; summer institutes and workshops; dramatics; economic opportunity act; executive management; continuing education programs; geology field trips; gifts and grants; extension services; counseling center; investment income from bequests; reimbursable salaries; music and art camp; child development lab preschools; orientation center; educational placement; press publications; Rice estate educational project; sponsored research; student activities; sale of surplus books and art objects; building use charges; Kansas applied remote sensing program; executive master's degree in business administration; applied English center; cartographic services; economic education; study abroad programs; computer services; recreational activities; animal care activities; geological survey; midwestern student

exchange; department commercial receipts for all sales, refunds, and all other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That moneys received for student fees in any account of the restricted fees fund may be transferred to one or more other accounts of the restricted fees fund.

- Service clearing fund (682-00-6006).....No limit  
*Provided*, That the service clearing fund shall be used for the following service activities: Residence hall food stores; university motor pool; military uniforms; telecommunications service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.
- Health service fund (682-00-5136-5030).....No limit
- Kansas career work study program fund (682-00-2534-2050).....No limit
- Student union fund (682-00-5137-5040).....No limit
- Federal Perkins loan fund (682-00-7512-7040).....No limit
- Health professions student loan fund (682-00-7513-7050).....No limit
- Housing system suspense fund (682-00-5704-5150).....No limit
- Housing system operations fund (682-00-5142-5050).....No limit
- Housing system repairs, equipment and improvement fund (682-00-5621-5110).....No limit
- Educational opportunity act – federal fund (682-00-3842-3020).....No limit
- Loans for disadvantaged students fund (682-00-7510-7100).....No limit
- Prepaid tuition fees clearing fund (682-00-7765).....No limit
- Kansas comprehensive grant fund (682-00-7226-7110).....No limit
- Fire service training fund (682-00-2123-2170).....No limit
- University federal fund (682-00-3147).....No limit
- Johnson county education research triangle fund (682-00-2393-2390).....No limit
- Temporary deposit fund (682-00-9061-9020).....No limit
- Suspense fund (682-00-9060-9010).....No limit
- BPC clearing fund (682-00-9119-9050).....No limit
- Mandatory retirement annuity clearing fund (682-00-9142-9030).....No limit
- Voluntary tax shelter annuity clearing fund (682-00-9167-9040).....No limit
- Agency payroll deduction clearing fund (682-00-9193-9060).....No limit
- Pre-tax parking clearing fund (682-00-9224-9200).....No limit
- University payroll fund (682-00-9806).....No limit
- GTA/GRA emp health insurance clearing fund (682-00-9063-9070).....No limit
- Standard water data repository fund (682-00-2463-2463).....No limit
- Multicultural reser center construction fund (682-00-2890-2890).....No limit
- Kan-grow engineering fund – KU (682-00-2153-2153).....No limit
- Child care facility revenue bond fund (682-00-2372).....No limit
- Student recreation fitness center K DFA fund (682-00-2864-2860).....No limit

Student union renovation revenue fund (682-00-5171-5060).....	No limit
Parking facility K DFA 1993G revenue fund (682-00-5175-5070).....	No limit
Student health facility maintenance, repair and equipment fee fund (682-00-5640-5120).....	No limit
Coronavirus relief federal fund (682-00-3753).....	No limit
Governor's emergency education relief fund (682-00-3638).....	No limit

(c) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$325,000 for all such amounts, from the general fees fund (682-00-2107-2000) to the following specified funds and accounts of funds: Federal Perkins loan fund (682-00-7512-7040); educational opportunity act – federal fund (682-00-3842-3020); university federal fund (682-00-3147-3140); health professions student loan fund (682-00-7513-7050); loans for disadvantaged students fund (682-00-7510-7100).

(d) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2022, for the water plan project or projects specified, the following:

Geological survey (682-00-1800-1810).....	\$26,841
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*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2021, in the geological survey account is hereby reappropriated for fiscal year 2022.

Sec. 111.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) On the effective date of this act, of the \$101,684,946 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 97(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the operating expenditures (including official hospitality) account (683-00-1000-0503), the sum of \$127,286 is hereby lapsed.

(b) On the effective date of this act, of the \$60,000 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 97(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the rural health bridging psychiatry account (683-00-1000-1015), the sum of \$30,000 is hereby lapsed.

(c) On the effective date of this act, of the \$1,400,035 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 97(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the medical scholarships and loans psychiatry account (683-00-1000-0610), the sum of \$430,035 is hereby lapsed.

Sec. 112.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (including official hospitality) (683-00-1000-0503).....	\$105,358,935
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*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*; That expenditures from this

account may be used to reimburse medical residents in residency programs located in Kansas City at the university of Kansas medical center for the purchase of health insurance for residents' dependents.

Medical scholarships and loans (683-00-1000-0600).....\$4,488,171  
*Provided*, That any unencumbered balance in the medical scholarships and loans account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Midwest stem cell therapy center (683-00-1000-0800).....\$749,822  
*Provided*, That any unencumbered balance in the midwest stem cell therapy center account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Rural health bridging (683-00-1000-1010).....\$140,000  
Medical scholarships and loans psychiatry (683-00-1000-0610).....\$970,000  
*Provided*, That any unencumbered balance in the medical scholarships and loans psychiatry account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Rural health bridging psychiatry (683-00-1000-1015).....\$30,000  
*Provided*, That any unencumbered balance in the rural health bridging psychiatry account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund (683-00-2108-2500).....No limit  
*Provided*, That expenditures may be made from the general fees fund to match federal grant moneys.

Midwest stem cell therapy center fund (683-00-2072-2072).....\$0  
Faculty of distinction matching fund (683-00-2476-2400).....No limit  
Restricted fees fund (683-00-2551).....No limit

*Provided*, That restricted fees shall be limited to the following accounts: Technology equipment; capital improvements; computer services; expenses reimbursed by the Kansas university endowment association; postgraduate fees; pathology fees; student health insurance premiums; gift receipts; designated research collaboration; facilities use; photography; continuing education; student activity fees; student application fees; department duplicating; student health services; student identification badges; student transcript fees; loan administration fees; fitness center fees; occupational health fees; employee health; telekid care fees; area outreach fees; police fees; endowment payroll reimbursement; rental property; e-learning fees; surplus property sales; outreach air travel; student loan legal fees; hospital authority salary reimbursements; graduate medical education contracts; Kansas university physicians inc., salaries reimbursements; housestaff activity fees; anatomy cadavers; biotechnology services; energy center funded depreciation; biostatistics; electron microscope services; Wichita faculty contracts; physical therapy services; legal fee reimbursements; sponsored research; departmental commercial receipts for all sales, refunds and all other collections of receipts not specifically enumerated above; Kansas department for children and families cost-sharing: *Provided, however*; That the state board of regents,

with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase health insurance coverage for all students enrolled in the school of allied health, school of nursing and school of medicine.

Scientific research and development – special revenue fund (683-00-2926)....No limit  
 Kansas breast cancer research fund (683-00-2671-2660).....No limit  
 Sponsored research overhead fund (683-00-2907-2800).....No limit  
 Parking facility revenue fund – KC campus (683-00-5176-5550).....No limit  
*Provided*, That expenditures may be made from the parking facility revenue fund – KC campus for capital improvement projects for parking improvements.

Parking fee fund – Wichita campus (683-00-5180-5590).....No limit  
*Provided*, That expenditures may be made from the parking fee fund – Wichita campus for capital improvement projects for parking improvements.

Services to hospital authority fund (683-00-2915-2900).....No limit  
 Direct medical education reimbursement fund (683-00-2918-3000).....No limit  
 Service clearing fund (683-00-6007).....No limit  
*Provided*, That the service clearing fund shall be used for the following service activities: Printing services; purchasing storeroom; university motor pool; physical plant storeroom; photo services; telecommunications services; facilities operations discretionary repairs; animal care; instructional services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Educational nurse faculty loan program fund (683-00-7505-7540).....No limit  
 Federal college work study fund (683-00-3256-3520).....No limit  
 AMA education and research grant fund (683-00-7207-7500).....No limit  
 Federal health professions/primary care student loan fund (683-00-7516-7560).....No limit  
 Federal nursing student loan fund (683-00-7517-7570).....No limit  
 Suspense fund (683-00-9057-9500).....No limit  
 Federal student educational opportunity grant fund (683-00-3255-3510).....No limit  
 Federal Pell grant fund (683-00-3252-3500).....No limit  
 Federal Perkins student loan fund (683-00-7515-7550).....No limit  
 Medical loan repayment fund (683-00-7214-7520).....No limit  
*Provided*, That expenditures from the medical loan repayment fund for attorney fees and litigation costs associated with the administration of the medical scholarship and loan program shall be in addition to any expenditure limitation imposed on the operating expenditures account of the medical loan repayment fund.

Medical student loan programs provider assessment fund (683-00-2625-2650).....No limit  
 Graduate medical education administration reserve fund (683-00-5652-5640).....No limit

University of Kansas medical center private practice foundation reserve fund (683-00-5659-5660).....	No limit
Robert Wood Johnson award fund (683-00-7328-7530).....	No limit
Federal scholarship for disadvantaged students fund (683-00-3094-3100).....	No limit
Temporary deposit fund (683-00-9058-9510).....	No limit
Mandatory retirement annuity clearing fund (683-00-9143-9520).....	No limit
Voluntary tax shelter annuity clearing fund (683-00-9168-9530).....	No limit
Agency payroll deduction clearing fund (683-00-9194-9600).....	No limit
Pre-tax parking clearing fund (683-00-9225-9200).....	No limit
University payroll fund (683-00-9807).....	No limit
University federal fund (683-00-3148).....	No limit
Leveraging educational assistance partnership federal fund (683-00-3223-3200).....	No limit
Johnson county education research triangle fund (683-00-2394-2390).....	No limit
Psychiatry medical loan repayment fund (683-00-7233-7233).....	No limit
Rural health bridging psychiatry fund (683-00-2218-2218).....	No limit
Cancer center research (683-00-2551-2700).....	No limit
Graduate medical education reimbursement fund (683-00-2918-3050).....	No limit
Coronavirus relief federal fund (683-00-3753).....	No limit
Governor's emergency education relief fund (683-00-3638).....	No limit

(c) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$125,000 for all such amounts, from the general fees fund (683-00-2108-2500) to the following funds: Federal nursing student loan fund (683-00-7517-7570); federal student education opportunity grant fund (683-00-3255-3510); federal college work study fund (683-00-3256-3520); educational nurse faculty loan program fund (683-00-7505-7540); federal health professions/primary care student loan fund (683-00-7516-7560).

(d) During the fiscal year ending June 30, 2022, and within the limits of appropriations therefor, the university of Kansas medical center may enter into contracts to purchase additional malpractice insurance for medical students enrolled at the university of Kansas medical center while in clinical training at the university of Kansas medical center or at other health care institutions.

Sec. 113.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (including official hospitality) (715-00-1000-0003).....\$67,924,170

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Aviation research (715-00-1000-0015).....\$9,448,500

*Provided*, That any unencumbered balance in the aviation research account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That all moneys in the aviation research account expended for fiscal year 2022

shall be matched by Wichita state university on a \$1-for-\$1 basis from other moneys of Wichita state university: *And provided further*, That Wichita state university shall submit a plan to the house committee on appropriations, the senate committee on ways and means and the governor as to how aviation research-related activities create additional jobs in the state and other economic value, particularly for and with the private sector, for fiscal year 2022.

Technology transfer facility (715-00-1000-0005).....\$1,995,400

*Provided*, That any unencumbered balance in the technology transfer account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Aviation infrastructure (715-00-1000-0010).....\$4,809,450

*Provided*, That any unencumbered balance in the aviation infrastructure account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2022: *Provided further*, That during the fiscal year ending June 30, 2021, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the aviation infrastructure account for fiscal year 2022 by Wichita state university by this or other appropriation act of the 2021 regular session of the legislature, the moneys appropriated in the aviation infrastructure account for fiscal year 2022 may only be expended for training and equipment expenditures of the national center for aviation training.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund (715-00-2112).....No limit

*Provided*, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund (715-00-2558).....No limit

*Provided*, That restricted fees shall be limited to receipts for the following accounts: Summer school workshops; technology equipment; concert course; dramatics; continuing education; flight training; gifts and grants (for teaching, research, and capital improvements); capital improvements; testing service; state department of education (vocational); investment income from bequests; sale of surplus books and art objects; public service; veterans counseling and educational benefits; sponsored research; campus privilege fee; student activities; national defense education programs; engineering equipment fee; midwestern student exchange; departmental receipts – for all sales, refunds and other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the

purchase of such insurance: *And provided further*; That expenditures from this fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff at the student health center: *And provided further*; That expenditures may be made from this fund for official hospitality.

Service clearing fund (715-00-6008).....No limit  
*Provided*, That the service clearing fund shall be used for the following service activities: Central service duplicating and reproducing bureau; automobiles; furniture stores; postal clearing; telecommunications; computer services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Faculty of distinction matching fund (715-00-2477-2400).....No limit  
 Kansas career work study program fund (715-00-2536-2020).....No limit  
 Scholarship funds fund (715-00-7211-7000).....No limit  
 Sponsored research overhead fund (715-00-2908-2080).....No limit  
 Economic opportunity act – federal fund (715-00-3265-3100).....No limit  
 Educational opportunity grant – federal fund (715-00-3266-3110).....No limit  
 Nine month payroll clearing account fund (715-00-7717-7030).....No limit  
 Pell grants federal fund (715-00-3366-3120).....No limit  
 Housing system suspense fund (715-00-5705-5160).....No limit  
 WSU housing system depreciation and replacement fund (715-00-5800-5260).....No limit  
 National direct student loan fund (715-00-7519-7010).....No limit  
 WSU housing systems revenue fund (715-00-5100-5250).....No limit  
 WSU housing system surplus fund (715-00-5620-5270).....No limit  
 University federal fund (715-00-3149-3140).....No limit

*Provided*, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Center of innovation for biomaterials in orthopaedic research – Wichita state university fund (715-00-2750-2700).....No limit  
 Kan-grow engineering fund – WSU (715-00-2155-2155).....No limit  
 Aviation research fund (715-00-2052-2052).....No limit  
 Temporary deposit fund (715-00-9059-9500).....No limit  
 Suspense fund (715-00-9077).....No limit  
 Mandatory retirement annuity clearing fund (715-00-9144-9520).....No limit  
 Voluntary tax shelter annuity clearing fund (715-00-9169-9530).....No limit  
 Agency payroll deduction clearing fund (715-00-9198-9400).....No limit  
 Pre-tax parking clearing fund (715-00-9226-9200).....No limit  
 Parking system project K DFA bond revenue fund (715-00-5148-5000).....No limit  
 Parking system project maintenance K DFA revenue bond fund (715-00-5159-5040).....No limit  
 Coronavirus relief federal fund (715-00-3753).....No limit  
 Governor's emergency education relief fund (715-00-3638).....No limit

(c) During the fiscal year ending June 30, 2022, the chief executive officer of Wichita state university, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2022 from the state general fund for

Wichita state university to another item of appropriation for fiscal year 2022 from the state general fund for Wichita state university. The chief executive officer of Wichita state university shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 114.

STATE BOARD OF REGENTS

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

Tuition for technical education (561-00-1000-0120).....\$2,100,000

(b) On the effective date of this act, of the \$4,517,649 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 101(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the operating expenditures (including official hospitality) account (561-00-1000-0103), the sum of \$1,417 is hereby lapsed.

Sec. 115.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (including official hospitality) (561-00-1000-0103).....\$4,466,629

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That, during fiscal year 2022, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2022 by the state board of regents as authorized by this or other appropriation act of the 2021 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2022 for attendance at an in-state meeting by members of the state board of regents for participation in matters of educational interest to the state of Kansas, upon approval of such attendance and participation by the state board of regents: *And provided further*, That each member of the state board of regents attending an in-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature: *And provided further*, That, during fiscal year 2022, notwithstanding the provisions of any other statute and in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2022 by the state board of regents as authorized by this or other appropriation act of the 2021 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2022 for attendance at an out-of-state meeting by members of the state board of regents whenever under any provision of law such members of the state board of regents are authorized to attend the out-of-state meeting or whenever the state board of regents authorizes such members to attend the out-of-state meeting for participation in

matters of educational interest to the state of Kansas: *And provided further*, That each member of the state board of regents attending an out-of-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature.

Midwest higher education commission (561-00-1000-0250).....\$95,000

State scholarship program (561-00-1000-4300).....\$1,035,919

*Provided*, That any unencumbered balance in the state scholarship program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022:

*Provided further*, That expenditures may be made from the state scholarship program account for the state scholarship program under K.S.A. 74-32,239, and amendments thereto, and for the Kansas distinguished scholarship program under K.S.A. 74-3278 through 74-3283, and amendments thereto: *And provided further*, That, of the total amount appropriated in the state scholarship program account, the amount dedicated for the Kansas distinguished scholarship program shall not exceed \$25,000.

Comprehensive grant program (561-00-1000-4500).....\$16,258,338

*Provided*, That any unencumbered balance in the comprehensive grant program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Ethnic minority scholarship program (561-00-1000-2410).....\$296,498

*Provided*, That any unencumbered balance in the ethnic minority scholarship program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Kansas work-study program (561-00-1000-2000).....\$546,813

*Provided*, That any unencumbered balance in the Kansas work-study program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That the state board of regents is hereby authorized to transfer moneys from the Kansas work-study program account to the Kansas career work-study program fund of any institution under its jurisdiction participating in the Kansas work-study program established by K.S.A. 74-3274 et seq., and amendments thereto: *And provided further*, That all moneys transferred from this account to the Kansas career work-study program fund of any such institution shall be expended for and in accordance with the Kansas work-study program.

ROTC service scholarships (561-00-1000-4600).....\$175,335

*Provided*, That any unencumbered balance in the ROTC service scholarships account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Military service scholarships (561-00-1000-1310).....\$500,314

*Provided*, That any unencumbered balance in the military service scholarships account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That all expenditures from the military service scholarships account shall be made for scholarships awarded under the military service scholarship program act, K.S.A. 74-32,227 through 74-32,232, and amendments thereto.

Teachers scholarship program (561-00-1000-0800).....\$1,547,023

*Provided*, That any unencumbered balance in the teachers scholarship program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

National guard educational assistance (561-00-1000-1300).....\$4,400,000

*Provided*, That any unencumbered balance in the national guard educational

assistance account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That moneys in the national guard educational assistance account represent and include the profits derived from the veterans benefit game pursuant to K.S.A. 74-8724, and amendments thereto.

Career technical workforce grant (561-00-1000-2200).....\$114,075

*Provided*, That any unencumbered balance in the career technical workforce grant account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Nursing student scholarship program (561-00-1000-4100).....\$417,255

*Provided*, That any unencumbered balance in the nursing student scholarship program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Optometry education program (561-00-1000-1100).....\$107,089

*Provided*, That any unencumbered balance in the optometry education program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Municipal university operating grant (561-00-1000-1010).....\$12,445,987

Adult basic education (561-00-1000-0900).....\$1,457,031

Postsecondary tiered technical education

state aid (561-00-1000-0760).....\$60,967,448

*Provided*, That if the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2022, by this or other appropriation act of the 2021 regular session of the legislature, in the postsecondary tiered technical education state aid account (561-00-1000-0760) is \$58,300,000 or greater, then the difference between the amount of moneys appropriated for the fiscal year 2022 and \$58,300,000 shall be distributed based on each eligible institution's calculated gap, according to the postsecondary tiered technical education state aid act, K.S.A. 71-1801 through 71-1810, and amendments thereto, as determined by the state board of regents: *Provided further*, That if the amount of moneys appropriated for the above agency for fiscal year 2022 is less than \$58,300,000, then each eligible institution shall receive an amount of moneys proportionally adjusted to equal the amount of moneys such eligible institution received in fiscal year 2017.

Non-tiered course credit hour grant (561-00-1000-0550).....\$79,995,039

*Provided*, That if the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2022, by this or other appropriation act of the 2021 regular session of the legislature, in the non-tiered course credit hour grant account is \$76,496,329 or greater, then the difference between the amount of moneys appropriated for the fiscal year 2022 and \$76,496,329 shall be distributed based on each eligible institution's calculated gap, as determined by the state board of regents.

Technology equipment at community colleges and

Washburn university (561-00-1000-0500).....\$398,475

*Provided*, That the state board of regents is hereby authorized to make expenditures from the technology equipment at community colleges and Washburn university account for grants to community colleges and Washburn university pursuant to grant applications for the purchase of technology equipment, in accordance with guidelines established by the state board of regents.

Career technical education capital outlay aid (561-00-1000-0310).....\$71,585

Tuition waivers (561-00-1000-1650).....\$134,657  
 Nurse educator grant program (561-00-1000-4120).....\$188,126

*Provided*, That any unencumbered balance in the nurse educator grant program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That all expenditures from the nurse educator grant program account shall be made for scholarships awarded under the nurse educator service scholarship program act.

Nursing faculty and supplies grant program (561-00-1000-4130).....\$1,787,193

*Provided*, That any unencumbered balance in the nursing faculty and supplies grant program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That the state board of regents is hereby authorized to make grants to Kansas postsecondary educational institutions with accredited nursing programs from the nursing faculty and supplies grant program account for expansion of nursing faculty and laboratory supplies: *And provided further*, That such grants shall be either need-based or competitive and shall be matched on the basis of \$1 from the nursing faculty and supplies grant program account for \$1 from the postsecondary educational institution receiving the grant.

Tuition for technical education (561-00-1000-0120).....\$37,350,000

*Provided*, That, any unencumbered balance in the tuition for technical education account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2022, expenditures shall be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2022 for the payment of technical education tuition for adult students who are enrolled in technical education classes while obtaining a GED using the accelerating opportunity program and for the postsecondary education institution to provide a transcript to each student who completes such technical education course: *And provided further*, That, such expenditures shall be in an amount not less than \$500,000: *And provided further*, That during the fiscal year ending June 30, 2022, not later than 60 days following the class start date, expenditures shall be made by the above agency from such account for tuition reimbursement.

Governor's scholars program (561-00-1000-0950).....\$20,000

*Provided*, That any unencumbered balance in the governor's scholars program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Osteopathic medical service scholarship  
 repayment fund (561-00-7216-6300).....No limit  
 KAN-ED services fee fund (561-00-2814-2814).....No limit  
 Earned indirect costs fund – federal (561-00-3642-3600).....No limit  
 Faculty of distinction program fund (561-00-7200-7050).....No limit  
 Paul Douglas teacher scholarship fund – federal (561-00-3879-3950).....No limit

GED credentials processing fees fund (561-00-2151-2100).....	No limit
Tuition waiver gifts, grants and reimbursements fund (561-00-7230-7230)....	No limit
Adult basic education – federal fund (561-00-3042-3000).....	No limit
Truck driver training fund (561-00-2172-4900).....	No limit
Improving teacher quality grant federal fund (561-00-3526-3526).....	No limit
State scholarship discontinued attendance fund (561-00-7213-6100).....	No limit
Kansas ethnic minority fellowship program fund (561-00-7238-7600).....	No limit
Private postsecondary educational institution degree authorization expense	
reimbursement fee fund (561-00-2643-3300).....	No limit
Substance abuse education fund – federal (561-00-3805-4000).....	No limit
Nursing service scholarship program fund (561-00-7220-6800).....	No limit
Clearing fund (561-00-9029-9100).....	No limit
Conversion of materials and equipment fund (561-00-2433-3200).....	No limit
Motorcycle safety fund (561-00-2366-2360).....	No limit
Financial aid services fee fund (561-00-2280-2800).....	No limit
<i>Provided</i> , That expenditures may be made from the financial aid services fee fund for operating expenditures directly or indirectly related to the operating costs associated with student financial assistance programs administered by the state board of regents: <i>Provided further</i> , That the chief executive officer of the state board of regents is hereby authorized to fix, charge and collect fees for the processing of applications and other activities related to student financial assistance programs administered by the state board of regents: <i>And provided further</i> , That such fees shall be fixed in order to recover all or a part of the direct and indirect operating expenses incurred for administering such programs: <i>And provided further</i> , That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the financial aid services fee fund.	
Inservice education workshop fee fund (561-00-2266).....	No limit
Optometry education repayment fund (561-00-7203-7100).....	No limit
Teacher scholarship repayment fund (561-00-7205-7200).....	No limit
Nursing service scholarship repayment fund (561-00-7210-7400).....	No limit
Nurse educator service scholarship repayment fund (561-00-7231-7300).....	No limit
ROTC service scholarship repayment fund (561-00-7232-7232).....	No limit
Carl D. Perkins vocational and technical education –	
federal fund (561-00-3539-3539).....	No limit
College access challenge grant program (561-00-3880-3955).....	No limit
Kansas national guard educational assistance program	
repayment fund (561-00-7228-7000).....	No limit
Grants fund (561-00-2525-2500).....	No limit
Workforce development loan fund (561-00-7518-7900).....	No limit
Regents clearing fund (561-00-9052-9200).....	No limit
Private and out-of-state postsecondary educational institution	
fee fund (561-00-2614-2610).....	No limit
KanTRAIN federal fund (561-00-3578-3578).....	No limit
USAC E-rate program federal fund (561-00-3920-3920).....	No limit
WIOA youth activities federal fund (561-00-3039).....	No limit
WIOA adult set-aside federal fund (561-00-3270).....	No limit
WIOA dislocated workers set-aside federal fund (561-00-3428).....	No limit

Temporary assistance for needy families federal fund (561-00-3323-3323).....	No limit
Workforce data quality initiative federal fund (561-00-3237-3237).....	No limit
Postsecondary education performance-based incentives fund (561-00-2777-2777).....	\$125,000
Private donations, gifts, grants bequest fund (561-00-7262-7700).....	No limit
WIOA pilot demonstration research project (561-00-3237-3237).....	No limit
Coronavirus relief federal fund (561-00-3753).....	No limit
Governor's emergency education relief fund (561-00-3638).....	No limit
Kansas high school equivalency credential processing fee fund (561-00-2832-2832).....	No limit

(c) During the fiscal year ending June 30, 2022, the chief executive officer of the state board of regents, with the approval of the director of the budget, may transfer any part of any item of appropriation in an account of the state general fund for the fiscal year ending June 30, 2022, to another item of appropriation in an account of the state general fund for fiscal year 2022. The chief executive officer of the state board of regents shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research. As used in this subsection, "account": (1) Means the operating expenditures (including official hospitality) account of the state board of regents (561-00-1000-0103), the university of Kansas (682-00-1000-0023), the university of Kansas medical center (683-00-1000-0503), Kansas state university (367-00-1000-0003), Kansas state university polytechnic campus (367-00-1000-0150), Kansas state university veterinary medical center (368-00-1000-5003), Kansas state university extension systems and agriculture research programs (369-00-1000-1020) and (369-00-1000-1030), Wichita state university (715-00-1000-0003), Emporia state university (379-00-1000-0083), Pittsburg state university (385-00-1000-0063) and Fort Hays state university (246-00-1000-0013); and (2) includes each other account of the state general fund of the state board of regents. The provisions of this subsection shall not apply to the tuition for technical education account (561-00-1000-0120), non-tiered course credit hour grant account (561-00-1000-0550) or postsecondary tiered technical education state aid account (561-00-1000-0760).

(d) (1) In addition to the other purposes for which expenditures may be made by any state educational institution from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 for such state educational institution as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures may be made by such state educational institution from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 for the purposes of capital improvement projects making energy and other conservation improvements: *Provided*, That such capital improvement projects are hereby approved for such state educational institution for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of issuance of one or more series of bonds by the Kansas development finance authority in accordance with that statute from time to time during fiscal year 2022: *Provided, however*, That no such bonds shall be issued until the state board of regents has first advised and consulted on any such project with the joint committee on state building construction: *Provided further*, That the amount of the bond proceeds that may be utilized for any such capital improvement project shall be subject to approval by the

state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such approval also may be given while the legislature is in session: *And provided further*, That, in addition to such project costs, any such amount of bond proceeds may include costs of issuance, capitalized interest and any required reserves for the payment of principal and interest on such bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That payments relating to principal and interest on such bonds shall be subject to and dependent upon annual appropriations therefor to the state educational institution for which the bonds are issued: *And provided further*, That each energy conservation capital improvement project for which bonds are issued for financing under this subsection shall be designed and completed in order to have cost savings sufficient to be equal to or greater than the cost of debt service on such bonds: *And provided further*, That the state board of regents shall prepare and submit a report to the committee on appropriations of the house of representatives and the committee on ways and means of the senate on the savings attributable to energy conservation capital improvements for which bonds are issued for financing under this subsection (d)(1) at the beginning of the 2022 regular session of the legislature.

(2) As used in this subsection, "state educational institution" includes each state educational institution as defined in K.S.A. 76-711, and amendments thereto.

(e) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2022, the following:

SEDIF – career technical education capital outlay aid (561-00-1900-1950).....\$2,547,726

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2021, in the SEDIF – career technical education capital outlay aid account is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures from the SEDIF – career technical education capital outlay aid account for each grant of career technical education capital outlay aid shall be matched by the postsecondary institution awarded such grant in an amount which is equal to 50% of the grant.

SEDIF – technology innovation and internship program (561-00-1900-1960).....\$179,284

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2021, in the SEDIF – technology innovation and internship program account is hereby reappropriated for fiscal year 2022.

SEDIF – EPSCOR (561-00-1900-1970).....\$993,265

Community and technical college competitive grants (561-00-1900-1980).....\$500,000

*Provided*, That all moneys in the community and technical college competitive grants account shall be for grants awarded to community and technical colleges under a competitive grant program administered by the secretary of commerce: *Provided further*, That all expenditures from such account shall be for competitive grants to community and technical colleges that require a local match of nonstate moneys on a \$1-for-\$1 basis, from either the college or private industry partner, and that will develop innovative programs with private companies needing specific job skills or will meet other industry needs that cannot be addressed with current funding streams.

Sec. 116.

DEPARTMENT OF CORRECTIONS

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

Treatment and programs – medical and mental (521-00-1000-0152).....\$7,778,323

(b) On the effective date of this act, of the \$1,928,243 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 103(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the operating expenditures – juvenile services account (521-00-1000-0103), the sum of \$9,532 is hereby lapsed.

(c) On the effective date of this act, of the \$5,813,619 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 103(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the treatment and programs – offender programs account (521-00-1000-0151), the sum of \$7,300 is hereby lapsed.

(d) On the effective date of this act, of the \$4,667,056 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 103(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the department of corrections – hepatitis C treatment account (521-00-1000-0153), the sum of \$167,056 is hereby lapsed.

(e) On the effective date of this act, of the \$1,822,677 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 103(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the treatment and programs – KUMC contract account (521-00-1000-0154), the sum of \$1,844 is hereby lapsed.

(f) On the effective date of this act, of the \$15,866,555 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 103(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the facilities operations account (521-00-1000-0303), the sum of \$1,677,699 is hereby lapsed.

(g) On the effective date of this act, of the \$57,164,793 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 103(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the operating expenditures account (521-00-1000-0603), the sum of \$22,718 is hereby lapsed.

(h) On the effective date of this act, of the \$10,642,886 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 103(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the department of corrections outsourcing male offenders account (521-00-1000-0606), the sum of \$9,102,002 is hereby lapsed.

(i) On the effective date of this act, of the \$16,912,173 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 103(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the Ellsworth correctional facility – facilities operations account (177-00-1000-0303), the sum of \$3,701,902 is hereby lapsed.

(j) On the effective date of this act, of the \$34,001,579 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section

103(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the El Dorado correctional facility – facilities operations account (195-00-1000-0303), the sum of \$8,466,941 is hereby lapsed.

(k) On the effective date of this act, of the \$20,651,958 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 103(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the Kansas juvenile correctional complex – facilities operations account (352-00-1000-0303), the sum of \$9,537 is hereby lapsed.

(l) On the effective date of this act, of the \$31,868,324 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 103(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the Lansing correctional facility – facilities operations account (400-00-1000-0303), the sum of \$7,959,386 is hereby lapsed.

(m) On the effective date of this act, of the \$13,007,182 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 103(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the Larned correctional mental health facility – facilities operations account (408-00-1000-0303), the sum of \$3,598,014 is hereby lapsed.

(n) On the effective date of this act, of the \$18,474,694 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 103(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the Norton correctional facility – facilities operations account (581-00-1000-0303), the sum of \$1,750 is hereby lapsed.

(o) On the effective date of this act, of the \$17,827,436 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 103(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the Topeka correctional facility – facilities operations account (660-00-1000-0303), the sum of \$20,696 is hereby lapsed.

(p) On the effective date of this act, of the \$15,185,553 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 103(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the Winfield correctional facility – facilities operations account (712-00-1000-0303), the sum of \$1,381,009 is hereby lapsed.

(q) On the effective date of this act, of the \$56,457,632 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 103(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the evidence-based programs account (521-00-1000-0050), the sum of \$21,095,320 is hereby lapsed.

(r) On the effective date of this act, of the \$36,587,527 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 103(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the Hutchinson correctional facility – facilities operations account (313-00-1000-0303), the sum of \$856 is hereby lapsed.

(s) On the effective date of this act, of the \$500,000 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 150(a) of chapter 5 of the 2020 Session Laws of Kansas from the state institutions building fund in the capital improvements – rehabilitation and repair of juvenile correctional facilities account

(521-00-8100-8000), the sum of \$861 is hereby lapsed.

Sec. 117.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (521-00-1000-0603).....\$43,134,659

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Community corrections (521-00-1000-0220).....\$19,866,154

*Provided*, That any unencumbered balance in the community corrections account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That no expenditures may be made by any county from any grant made to such county from the community corrections account for either half of state fiscal year 2022 that supplant any amount of local public or private funding of existing programs as determined in accordance with rules and regulations adopted by the secretary of corrections.

Local jail payments (521-00-1000-0510).....\$1,550,000

*Provided*, That any unencumbered balance in the local jail payments account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*; That, notwithstanding the provisions of K.S.A. 19-1930, and amendments thereto, payments by the department of corrections under K.S.A. 19-1930(b), and amendments thereto, for the cost of maintenance of prisoners shall not exceed the per capita daily operating cost, not including inmate programs, for the department of corrections.

Treatment and programs – offender programs (521-00-1000-0151).....\$6,308,834

*Provided*, That any unencumbered balance in the treatment and programs – offender programs account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Treatment and programs – medical and mental (521-00-1000-0152).....\$77,645,754

*Provided*, That any unencumbered balance in the treatment and programs – medical and mental account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Department of corrections hepatitis C treatment (521-00-1000-0153).....\$6,000,000

*Provided*, That any unencumbered balance in the department of corrections hepatitis C treatment account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Treatment and programs – KUMC contract (521-00-1000-0154).....\$1,820,833

*Provided*, That any unencumbered balance in the treatment and programs – KUMC contract account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Operating expenditures – juvenile services (521-00-1000-0103).....\$1,771,917

*Provided*, That any unencumbered balance in the operating expenditures – juvenile services account in excess of \$100 as of June 30, 2021, is hereby reappropriated for

fiscal year 2022.

Evidence-based programs (521-00-1000-0050).....\$12,521,500

*Provided*, That any unencumbered balance in the evidence-based programs account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*; That, notwithstanding the provisions of K.S.A. 75-52,164, and amendments thereto, or any other statute, expenditures may be made from this account to conduct research into, and development of, evidence-based practices to reduce offender behavior and recidivism among juveniles: *Provided, however*; That the expenditures for such research and development shall not exceed \$1,000,000.

Prevention and graduated sanctions  
community grants (521-00-1000-0221).....\$9,311,197

*Provided*, That any unencumbered balance in the prevention and graduated sanctions community grants account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*; That moneys awarded as grants from the prevention and graduated sanctions community grants account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.

Purchase of services (521-00-1000-0300).....\$906,795

*Provided*, That any unencumbered balance in the purchase of services account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Department of corrections outsourcing  
male offenders (521-00-1000-0606).....\$1,324,000

*Provided*, That any unencumbered balance in the department of corrections outsourcing male offenders account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Debt service payments – data systems replacement (521-00-1000).....\$79,182

Topeka correctional facility – facilities operations (660-00-1000-0303)...\$18,120,951

*Provided*, That any unencumbered balance in the Topeka correctional facility – facilities operations account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures from the Topeka correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Hutchinson correctional facility –  
facilities operations (313-00-1000-0303).....\$37,616,908

*Provided*, That any unencumbered balance in the Hutchinson correctional facility – facilities operations account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures from the Hutchinson correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Lansing correctional facility – facilities operations (400-00-1000-0303) ..\$33,049,804

*Provided*, That any unencumbered balance in the Lansing correctional facility – facilities operations account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures from the Lansing correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Ellsworth correctional facility –  
facilities operations (177-00-1000-0303).....\$17,281,796

*Provided*, That any unencumbered balance in the Ellsworth correctional facility – facilities operations account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures from the Ellsworth correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Winfield correctional facility – facilities operations (712-00-1000-0303).....\$15,069,380

*Provided*, That any unencumbered balance in the Winfield correctional facility – facilities operations account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures from the Winfield correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Norton correctional facility – facilities operations (581-00-1000-0303)....\$18,982,385

*Provided*, That any unencumbered balance in the Norton correctional facility – facilities operations account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures from the Norton correctional facility – facilities operations account for official hospitality shall not exceed \$500.

El Dorado correctional facility – facilities operations (195-00-1000-0303).....\$34,798,237

*Provided*, That any unencumbered balance in the El Dorado correctional facility – facilities operations account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures from the El Dorado correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Larned correctional mental health facility – facilities operations (408-00-1000-0303).....\$13,460,854

*Provided*, That any unencumbered balance in the Larned correctional mental health facility – facilities operations account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures from the Larned correctional mental health facility – facilities operations account for official hospitality shall not exceed \$500.

Kansas juvenile correctional complex – facilities operations (352-00-1000-0303).....\$21,128,884

*Provided*, That any unencumbered balance in the Kansas juvenile correctional complex –facilities operations account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures from the Kansas juvenile correctional complex – facilities operations account for official hospitality shall not exceed \$500: *Provided further*; That expenditures may be made from this account for educational services contracts, which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other accredited educational services providers.

Facilities operations (521-00-1000-0303).....\$15,376,246

*Provided*, That any unencumbered balance in the facilities shrinkage account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Juvenile crime community prevention.....\$1,500,000

*Provided*, That, expenditures shall be made by such agency from such account during

fiscal year 2022 to provide grants to communities for evidence-based juvenile crime prevention programs: *Provided further*, That, at least \$500,000 of such grants shall require a \$1-for-\$1 local or private match.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Supervision fees fund (521-00-2116-2100).....	No limit
Justice reinvestment technical assistance for state governments project – federal fund (521-00-3758-3758).....	No limit
Residential substance abuse treatment – federal fund (521-00-3006).....	No limit
Department of corrections forensic psychologist fund (521-00-2492-2492).....	No limit
<i>Provided</i> , That expenditures may be made from the department of corrections forensic psychologist fund for general health care contract expenses.	
Ed Byrne memorial justice assistance grants – federal fund (521-00-3057).....	No limit
Violence against women – federal fund (521-00-3214).....	No limit
Sex offender management grant – federal fund (521-00-3206-3206).....	No limit
Department of corrections state asset forfeiture fund (521-00-2460-2400).....	No limit
Prisoner reentry intv demo – federal fund (521-00-3063).....	No limit
Victims of crime act – federal fund (521-00-3260).....	No limit
Correctional industries fund (522-00-6126-7300).....	No limit
<i>Provided</i> , That expenditures may be made from the correctional industries fund for official hospitality.	
Ed Byrne state and local law assistance – federal fund (521-00-3213-3213).....	No limit
Bulletproof vest partnership – federal fund (521-00-3216-3216).....	No limit
Safeguard community grants – federal fund (521-00-3225).....	No limit
Workforce investment act – federal fund (521-00-3237-3237).....	No limit
Workplace and community transition training – federal fund (521-00-3281-3281).....	No limit
USMS reimbursement – federal fund (521-00-3562-3562).....	No limit
Community awareness project – federal fund (521-00-3250-3250).....	No limit
Corrections training and staff development – federal fund (521-00-3413-3413).....	No limit
Second chance act – federal fund (521-00-3895-3895).....	No limit
Alcohol and drug abuse treatment fund (521-00-2339-2110).....	No limit
<i>Provided</i> , That expenditures may be made from the alcohol and drug abuse treatment fund for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered.	
State of Kansas – department of corrections inmate benefit fund (521-00-7950-5350).....	No limit
Department of corrections – alien incarceration grant fund – federal (521-00-3943-3800).....	No limit
Department of corrections – general	

fees fund (521-00-2427-2450).....No limit

*Provided*, That expenditures may be made from the department of corrections – general fees fund for operating expenditures for training programs for correctional personnel, including official hospitality: *Provided further*, That the secretary of corrections is hereby authorized to fix, charge and collect fees for such programs: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the department of corrections – general fees fund.

Juvenile justice delinquency prevention

federal fund (521-00-3351).....No limit

Juvenile alternatives to detention fund (521-00-2250).....No limit

*Provided*, That notwithstanding the provisions of K.S.A. 79-4803, and amendments thereto, or any other statute, expenditures may be made by the above agency from the juvenile alternatives to detention fund for per diem payments to detention centers: *Provided, however*, That expenditures from the juvenile alternatives to detention fund for per diem payments to detention centers shall not exceed \$100,000: *And provided further*, That the department of corrections is hereby authorized and directed to make expenditures from the juvenile alternatives to detention fund for fiscal year 2022 for purchase of services: *And provided further*, That notwithstanding the provisions of K.S.A. 79-4803, and amendments thereto, or any other statute, expenditures may be made by the above agency from the juvenile alternatives to detention fund for graduated sanctions.

Juvenile justice fee fund central office (521-00-2257).....No limit

Title IV-E fund (521-00-3337).....No limit

Juvenile delinquency preservation trust fund (521-00-7322-7000).....No limit

Title I program for neglected and

delinquent children – federal fund (521-00-3009).....No limit

Topeka correctional facility – community development block grant –

federal fund (660-00-3669-3669).....No limit

Topeka correctional facility – bureau of prisons contract –

federal fund (660-00-3582-3200).....No limit

Topeka correctional facility – general fees fund (660-00-2090-2090).....No limit

Hutchinson correctional facility – general fees fund (313-00-2051-2000).....No limit

Lansing correctional facility – general fees fund (400-00-2040-2040).....No limit

Ellsworth correctional facility – general fees fund (177-00-2227-2000).....No limit

Winfield correctional facility – general fees fund (712-00-2237-2000).....No limit

Norton correctional facility – general fees fund (581-00-2238-2000).....No limit

El Dorado correctional facility – general fees fund (195-00-2252-2000).....No limit

Larned correctional mental health facility – general

fees fund (408-00-2145-2000).....No limit

Kansas juvenile correctional complex – fee fund (352-00-2321-2300).....No limit

Kansas juvenile correctional complex – gifts, grants and

donations fund (352-00-7016-7000).....No limit

Kansas juvenile correctional complex – title I neglected and delinquent

children – federal fund (352-00-3009).....No limit

Byrne grant – federal fund – Kansas juvenile correctional complex (352-00-3057-3057).....	No limit
National school breakfast program – federal fund – Kansas juvenile correctional complex (352-00-3529-3529).....	No limit
National school lunch program – federal fund – Kansas juvenile correctional complex (352-00-3530-3530).....	No limit
Community corrections supervision fund (521-00-2748-2748).....	No limit
Community corrections special revenue fund (521-00-2447-2447).....	No limit
Medical assistance program – federal fund (521-00-3414).....	No limit
Byrne grant – federal fund (521-00-3353-3200).....	No limit
Coronavirus emergency supplemental fund (521-00-3671).....	No limit
Coronavirus emergency supplemental fund – Lansing correctional facility (400-00-3671).....	No limit
ICJR – federal fund.....	No limit
Second chance act reentry initiative – federal fund.....	No limit
Coronavirus relief fund – federal fund (521-00-3753).....	No limit
Coronavirus emergency supplemental fund – Larned correctional mental health facility (408-00-3671).....	No limit
Prison rape elimination act (PREA) justice assistance grant – federal fund (051-00-3758-3763).....	No limit
Violence against women – federal fund (051-00-3082-3083).....	No limit

(c) During the fiscal year ending June 30, 2022, the secretary of corrections, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2022, from the state general fund for the department of corrections or any correctional institution or correctional facility under the general supervision and management of the secretary of corrections to another item of appropriation for fiscal year 2022 from the state general fund for the department of corrections or any correctional institution or correctional facility under the general supervision and management of the secretary of corrections. The secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or any other statute, the director of accounts and reports shall accept for payment from the secretary of corrections any duly authorized claim to be paid from the local jail payments account (521-00-1000-0510) of the state general fund during fiscal year 2022 for costs pursuant to K.S.A. 19-1930(b), and amendments thereto, even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act.

(e) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or any other statute, the director of accounts and reports shall accept for payment from the director of Kansas correctional industries any duly authorized claim to be paid from the correctional industries fund (522-00-6126-7300) during fiscal year 2022 for operating or manufacturing costs even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act. The director of Kansas correctional industries shall provide to the director of the budget on or before

September 15, 2021, a detailed accounting of all such payments made from the correctional industries fund during fiscal year 2021.

(f) During the fiscal year ending June 30, 2022, the secretary of corrections, with the approval of the director of the budget, may make transfers from the correctional industries fund (522-00-6126-7300) to the department of corrections – general fees fund (521-00-2427-2450). The secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(g) During the fiscal year ending June 30, 2022, all expenditures made by the department of corrections from the correctional industries fund (522-00-6126-7300) shall be made on budget for all purposes of state accounting and budgeting for the department of corrections.

(h) Notwithstanding the provisions of K.S.A. 75-52,164, and amendments thereto, or any other statute, during fiscal year 2022, the director of accounts and reports shall transfer the amount certified pursuant to K.S.A. 75-52,164(b), and amendments thereto, from each account of the state general fund of a state agency that has been determined by the secretary of corrections to be actual or projected cost savings to the evidence-based programs account of the state general fund of the department of corrections: *Provided*, That the secretary of corrections shall transmit a copy of each such certification to the director of legislative research.

Sec. 118.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2021, for the capital improvement project or projects specified, the following:

Deferred maintenance (034-00-1000-0700).....\$231,848

(b) On the effective date of this act, of the \$5,622,549 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 105(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the operating expenditures account (034-00-1000-0053), the sum of \$481,848 is hereby lapsed.

(c) On the effective date of this act, any unencumbered balance in the incident management team account (034-00-1000-0105) of the state general fund is hereby lapsed.

(d) On the effective date of this act, of the \$1,319,554 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 105(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the disaster relief account (034-00-1000-0200), the sum of \$12,475 is hereby lapsed.

(e) On the effective date of this act, of the unencumbered balance reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 105(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the emergency management account (034-00-1000-0600), the sum of \$11,826,642 is hereby lapsed.

Sec. 119.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (034-00-1000-0053).....\$5,510,157

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures from this account for official hospitality shall not exceed \$2,500.

Civil air patrol – operating expenditures (034-00-1000-0103).....\$42,236  
Disaster relief (034-00-1000-0200).....\$1,500,000

*Provided*, That any unencumbered balance in the disaster relief account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Military activation payments (034-00-1000-0300).....\$6,000

*Provided*, That any unencumbered balance in the military activation payments account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*; That all expenditures from the military activation payments account shall be for military activation payments authorized by and subject to the provisions of K.S.A. 75-3228, and amendments thereto.

Kansas military emergency relief (034-00-1000-0400).....\$9,881

*Provided*, That expenditures may be made from the Kansas military emergency relief account for grants and interest-free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and members and families of the reserve forces of the United States of America who are Kansas residents, during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: *Provided further*; That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: *And provided further*; That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief account shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas military emergency relief account.

Any unencumbered balance in excess of \$100 as of June 30, 2021, in each of the following accounts is hereby reappropriated for fiscal year 2022: Force protection, calibrators decommission and replacement, environmental clean-up projects, emergency management.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas intelligence fusion center fund.....No limit  
General fees fund (034-00-2102) .....No limit

*Provided*, That the adjutant general is hereby authorized to fix, charge and collect fees agreed upon in memorandums of understanding with other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *Provided further*; That such fees shall be fixed in order to recover all or part of the expenses incurred under the provisions of the memorandums of understanding with other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further*; That all fees received pursuant to such

memorandums of understanding shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Office of emergency communications fund (034-00-2496-2496) .....No limit  
*Provided*, That the adjutant general is hereby authorized to fix, charge and collect fees for recovery of costs associated with the use of the above agency's communication equipment by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *Provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the above agency's communication equipment by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further*, That all fees received for use of the above agency's communication equipment by other state agencies, local government agencies, for-profit organizations or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the office of emergency communications fund.

Conversion of materials and equipment fund –  
military division (034-00-2400-2030) .....No limit  
Adjutant general expense fund (034-00-2357).....No limit  
State asset forfeiture fund (034-00-2498-2498).....No limit  
State emergency fund (034-00-2437).....No limit  
State emergency fund weather disasters 5/4/2007 (034-00-2441).....No limit  
State emergency fund weather disasters 12/06, 7/07 (034-00-2445).....No limit  
Disaster grants – public assistance federal fund (034-00-3005).....No limit  
National guard military operations/maintenance  
federal fund (034-00-3055-3300).....No limit  
Econ adjustment/military installation  
federal fund (034-00-3196-3196).....No limit  
Disaster assistance to individual/household  
federal fund (034-00-3405-3405).....No limit  
Interoperability communication  
equipment fund (034-00-3449-3449).....No limit  
Pre-disaster mitigation – federal fund (034-00-3268-3269).....No limit  
Hazard material training and planning –  
federal fund (034-00-3121-3310).....No limit  
State homeland security program federal fund (034-00-3629-3629).....No limit  
Nuclear safety emergency management fee fund (034-00-2081-2200).....No limit

*Provided*, That, notwithstanding the provisions of any other statute, the adjutant general may make transfers of moneys from the nuclear safety emergency management fee fund to other state agencies for fiscal year 2022 pursuant to agreements, which are hereby authorized to be entered into by the adjutant general with other state agencies to provide appropriate emergency management plans to administer the Kansas nuclear safety emergency management act, K.S.A. 48-940 et seq., and amendments thereto.

Military fees fund – federal (034-00-2152).....No limit

*Provided*, That all moneys received by the adjutant general from the federal government for reimbursement for expenditures made under agreements with the federal government shall be deposited in the state treasury in accordance with the

provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the military fees fund – federal.

Armories and units general fees fund (034-00-2171-2010).....	No limit
Emergency systems for advanced registration for volunteer health professionals – federal fund (034-00-3748-3748).....	No limit
Civil air patrol – grants and contributions – federal fund (034-00-7315-7000).....	No limit
Coronavirus relief fund – federal fund (034-00-3753).....	No limit
Emergency management performance grant – federal fund (034-00-3342-3342).....	No limit
NG – federal forfeiture fund (034-00-2184-2100).....	No limit
Inaugural expense fund (034-00-2003-2300).....	No limit
Kansas military emergency relief fund (034-00-2658-2650).....	No limit
<i>Provided</i> , That expenditures may be made from the Kansas military emergency relief fund for grants and interest-free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and members and families of the reserve forces of the United States of America who are Kansas residents, during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: <i>Provided further</i> , That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: <i>And provided further</i> , That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief fund shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas military emergency relief fund.	
Emergency management assistance compact federal fund (034-00-3609-3605) .....	No limit
Public safety interoperable communications grant program federal fund (034-00-3340-3340).....	No limit
Military construction national guard federal fund (034-00-3192-3192).....	No limit
National guard civilian youth opportunities federal fund (034-00-3193-3193).....	No limit
Hazard mitigation grant federal fund (034-00-3019).....	No limit
Citizen corps federal fund (034-00-3341-3341).....	No limit
Law enforcement terrorism prevention program federal fund (034-00-3613-3600).....	No limit
Safe and drug-free schools and communities national programs federal fund (034-00-3569-3569).....	No limit
National guard museum assistance fund (034-00-8306-8300).....	No limit

*Provided*, That all expenditures from the national guard museum assistance fund shall be made for an expansion of the 35<sup>th</sup> infantry division museum and education center facility.

Great plains joint regional training center

fee fund (034-00-2688-2688).....No limit

*Provided*, That expenditures may be made from the great plains joint regional training center fee fund for use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *Provided further*, That the adjutant general is hereby authorized to fix, charge and collect fees for recovery of costs associated with the use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further*, That all fees received for use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the great plains joint regional training center fee fund.

State and local implementation grant program – federal fund (034-00-3576-3576).....No limit

Military honors funeral fund (034-00-2789-2789).....No limit

*Provided*, That the adjutant general is hereby authorized to accept gifts and donations of money during fiscal year 2022 for military funeral honors or purposes related thereto: *Provided further*, That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the military honors funeral fund.

Fire management assistance grant – federal fund (034-00-3320-3320).....No limit  
Kansas national guard counter drug state forfeiture fund.....No limit

(c) In addition to the other purposes for which expenditures may be made by the adjutant general from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures may be made by the adjutant general from such moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022, notwithstanding the provisions of K.S.A. 48-205, and amendments thereto, or any other statute, in addition to other positions within the adjutant general's department in the unclassified service as prescribed by law for additional positions in the unclassified service under the Kansas civil service act: *Provided*, That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, the adjutant general may appoint a deputy adjutant general, who shall have no military command authority, and who may be a civilian and shall have served at least five years as a commissioned officer with the Kansas national guard, who will perform such duties as the adjutant general shall assign, and who will serve in the unclassified service under the Kansas civil service act: *Provided further*, That the position of such deputy adjutant general in the unclassified service under the Kansas civil service act shall be established by the adjutant general within the position limitation established for the adjutant general on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2022 made by this or other appropriation act of

the 2021 regular session of the legislature.

(d) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$320,000 from the state highway fund of the department of transportation to the office of emergency communications fund (034-00-2496-2496) of the adjutant general.

(e) During the fiscal year ending June 30, 2022, the adjutant general, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2022, from the state general fund for the adjutant general to another item of appropriation for fiscal year 2022 from the state general fund for the adjutant general: *Provided*, That the adjutant general shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(f) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 by the adjutant general as authorized by this or other appropriation act of the 2021 regular session of the legislature, the adjutant general shall make expenditures from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 for the purposes of preparing a report detailing the numerical amount and itemized costs of all equipment and supplies relating to the COVID-19 health emergency purchased or received by the adjutant general in each of the fiscal years 2020, 2021 and year-to-date 2022 and a list of all entities that requested any such COVID-19 equipment and supplies and the numerical amount and itemized costs of such COVID-19 equipment and supplies actually received by such entities from the adjutant general in each of the fiscal years 2020, 2021 and year-to-date 2022: *Provided*, That such report shall specifically list and identify each item and shall not be listed by category: *Provided further*, That such report shall be filed with the secretary of the senate and the chief clerk of the house of representatives on or before January 1, 2022.

Sec. 120.

STATE FIRE MARSHAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law, purchases of nationally recognized adopted codes for resale and federally reimbursed overtime, shall not exceed the following:

Fire marshal fee fund (234-00-2330-2000).....\$5,805,121

*Provided*, That expenditures from the fire marshal fee fund for official hospitality shall not exceed \$1,000.

Boiler inspection fee fund (234-00-2128-2128).....No limit

*Provided*, That, during the fiscal year ending June 30, 2022, notwithstanding the provisions of any statute, in addition to the other purposes for which expenditures may be made from the boiler inspection fee fund for fiscal year 2022 by the above agency by this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from the boiler inspection fee fund for operating expenses of the above agency.

Gifts, grants and donations fund (234-00-7405-7400).....No limit

Intragovernmental service fund (234-00-6160-6000).....No limit

Explosives regulatory and training fund (234-00-2361-2361).....	No limit
State fire marshal liquefied petroleum gas fee fund (234-00-2608-2600).....	No limit
Emergency response fund (234-00-2589).....	No limit

*Provided*, That expenditures may be made by the state fire marshal from the emergency response fund for fiscal year 2022 for the purposes of responding to specific incidences of emergencies related to hazardous materials or search and rescue incidents without prior approval of the state finance council: *Provided, however*, That expenditures from the emergency response fund during fiscal year 2022 for the purposes of responding to any specific incidence of an emergency related to hazardous materials or search and rescue incidents without prior approval by the state finance council shall not exceed \$25,000, except upon approval by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such approval also may be given while the legislature is in session.

Fire safety standard and firefighter protection act enforcement fund (234-00-2694-2620).....	No limit
Cigarette fire safety standard and firefighter protection act fund (234-00-2696-2630).....	No limit
Non-fuel flammable or combustible liquid aboveground storage tank system fund (234-00-2626-2610).....	No limit
FFY12 HMEP grant – federal fund (234-00-3121-3121).....	No limit
Contract inspections fund (234-00-6122-6122).....	No limit

(b) During the fiscal year ending June 30, 2022, notwithstanding the provisions of any other statute, the state fire marshal, with the approval of the director of the budget, may transfer funds from the fire marshal fee fund (234-00-2330-2000) to the emergency response fund (234-00-2589) of the state fire marshal. The state fire marshal shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research and the director of the budget: *Provided*, That the aggregate amount of such transfers for the fiscal year ending June 30, 2022, shall not exceed \$500,000.

(c) During the fiscal year ending June 30, 2022, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund (234-00-2330-2000) during fiscal year 2022, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2022 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2022 in accordance with the provisions of appropriation acts, the director of the budget shall certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the emergency response fund (234-00-2589) to the fire marshal fee fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the fire marshal fee fund for the remainder of fiscal year 2022 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(d) During the fiscal year ending June 30, 2022, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund (234-00-2330-2000) and any other resources available to the fire marshal fee fund during the fiscal year 2022, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2022 are insufficient to meet in full the estimated expenditures for fiscal year 2022 as they become due to meet the financial obligations imposed by law on the fire marshal fee fund as a result of a cash flow shortfall, within the authorized budgeted expenditures in accordance with the provisions of appropriation acts, the director of the budget is authorized and directed to certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of money specified in such certification from the state general fund to the fire marshal fee fund in order to maintain the cash flow of the fire marshal fee fund for such purposes for fiscal year 2022: *Provided*, That the aggregate amount of such transfers during fiscal year 2022 pursuant to this subsection shall not exceed \$500,000. Within one year from the date of each such transfer to the fire marshal fee fund pursuant to this subsection, the director of accounts and reports shall transfer the amount equal to the amount transferred from the state general fund to the fire marshal fee fund from the fire marshal fee fund to the state general fund in accordance with a certification for such purpose by the director of the budget. At the same time as the director of the budget transmits any certification under this subsection to the director of accounts and reports during fiscal year 2022, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(e) During the fiscal year ending June 30, 2022, notwithstanding the provisions of any other statute, the state fire marshal, may transfer funds from the contract inspections fund (234-00-6122-6122) of the state fire marshal to the fire marshal fee fund (234-00-2330-2000) of the state fire marshal. The state fire marshal shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research and the director of the budget.

(f) Notwithstanding the provisions of K.S.A. 2-3907, and amendments thereto, or any other statute, in addition to the other purposes for which expenditures may be made by the state fire marshal from moneys appropriated from any special revenue fund or funds for fiscal year 2022, as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the state fire marshal from such moneys appropriated from any special revenue fund or funds for fiscal year 2022 to enter into a memorandum of understanding with the Kansas department of agriculture for the state fire marshal to assume the authority, powers and duties granted to the Kansas department of agriculture regarding the regulation of hemp processors during fiscal year 2022: *Provided*, That the state fire marshal shall adopt any rules and regulations relating to the regulation of hemp processors necessary for the health, welfare and safety of the public: *Provided further*, That the state fire marshal shall require, as a qualification for all individuals seeking to engage in the extraction of cannabinoids, including the disposal of such cannabinoids, from industrial hemp to be fingerprinted and to submit to a state and national criminal history record check in conformity with all state and federal requirements: *And provided further*, That the state

fire marshal is hereby authorized to fix, charge and collect fees agreed upon in the memorandum of understanding with the Kansas department of agriculture to recover all or part of the expenses incurred under the provisions of the memorandum of understanding with the department for the regulation of hemp processors: *And provided further*; That all fees received pursuant to such memorandum of understanding shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the fire marshal fee fund: *And provided, however*; That, such fee shall not exceed \$1,000.

Sec. 121.

#### KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the following special revenue fund for the fiscal year ending June 30, 2021, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas highway patrol law enforcement aircraft fund (280-00-2034).....\$2,950,000

*Provided*, That expenditures shall be made from the Kansas highway patrol law enforcement aircraft fund for the purchase of a Cessna 206 law enforcement aircraft and equipment and to trade in such agency's 1978 and 1998 Cessna law enforcement aircraft.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 107(a) of chapter 5 of the 2020 Session Laws of Kansas on the Kansas highway patrol operations fund (280-00-2034-1100) of the Kansas highway patrol is hereby increased from \$53,329,416 to \$55,304,248.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 152(c) of chapter 5 of the 2020 Session Laws of Kansas on the scale replacement and rehabilitation and repair of buildings account (280-00-2034-1115) of the Kansas highway patrol operations fund is hereby decreased from \$407,915 to \$281,772.

(d) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,932,173 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund (280-00-2034-1100) of the Kansas highway patrol.

(e) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$127,246 from the scale replacement and rehabilitation and repair of buildings fund (280-00-2034-1115) of the Kansas highway patrol operations fund to the state highway fund of the department of transportation.

(f) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,950,000 from the state highway fund of the department of transportation to the Kansas highway patrol law enforcement aircraft fund (280-00-2034) of the Kansas highway patrol.

(g) On the effective date of this act, the provisions of section 107(h) of chapter 5 of the 2020 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(h) During the fiscal year ending June 30, 2021, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year

2021 by section 107 of chapter 5 of the 2020 Session Laws of Kansas, this or any other appropriation act of the 2021 regular session of the legislature, the above agency shall make expenditures from such moneys to use the Kansas highway patrol training academy for all training of Kansas highway patrol law enforcement officers.

Sec. 122.

KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund (280-00-2179-2200).....No limit

*Provided*, That all moneys received from the sale of used equipment, recovery of and reimbursements for expenditures and any other source of revenue shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund, except as otherwise provided by law: *Provided further*, That notwithstanding the provisions of article 66 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto, in addition to the other purposes for which expenditures may be made by the above agency from the general fees fund, expenditures shall be made by the above agency from such fund to sell the personal sidearm, with a trigger lock, of a part-time state law enforcement officer to such officer, subject to the following: (1) Such officer is resigning; (2) the sale of such personal sidearm shall be for the amount equal to the total of the fair market value of the sidearm, as fixed by the superintendent, plus the cost of the trigger lock; and (3) no sale of a personal sidearm shall be made to any resigning officer unless the superintendent determines that the employment record and performance evaluations of each such officer are satisfactory: *And provided further*, That all proceeds from the sale of personal sidearms and trigger locks shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

For patrol of Kansas turnpike fund (280-00-2514-2500) .....No limit

*Provided*, That expenditures shall be made from the for patrol of Kansas turnpike fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

Highway patrol motor vehicle fund (280-00-2317-2800).....No limit

State forfeiture fund – pending (280-00-2264-2264).....No limit

Kansas highway patrol state forfeiture fund (280-00-2413-2100).....No limit

*Provided*, That, notwithstanding the provisions of K.S.A. 60-4117, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2022, expenditures may be made from the Kansas highway patrol state forfeiture fund for salaries and wages, and associated fringe benefits of non-supervisory personnel.

Disaster grants – public assistance – federal fund (280-00-3005-3005).....No limit

Edward Byrne memorial assistance grant – state and local law enforcement – federal fund (280-00-3213-3213).....No limit

Bulletproof vest partner – federal fund (280-00-3216-3216).....No limit

Performance registration information system management – federal fund (280-00-3239-3239).....No limit

Commercial vehicle information system network –

federal fund (280-00-3244-3244).....No limit  
 Highway planning and construction – federal fund (280-00-3333-3333).....No limit  
 KHP federal forfeiture – federal fund (280-00-3545).....No limit  
*Provided*, That expenditures may be made from the KHP federal forfeiture – fund by the above agency for the capital improvement project or projects for troop F headquarters.

High intensity drug trafficking areas – federal fund (280-00-3615-3000).....No limit  
 Homeland security program – federal fund (280-00-3629).....No limit  
 Edward Byrne memorial justice assistance grant –  
 federal fund (280-00-3057).....No limit  
 Emergency ops cntr – federal fund (280-00-3808-3808).....No limit  
 State and community highway safety –  
 federal fund (280-00-3815-3815).....No limit  
 Gifts and donations fund (280-00-7331).....No limit  
*Provided*, That expenditures from the gifts and donations fund for official hospitality shall not exceed \$1,000.

Motor carrier safety assistance program state fund (280-00-2208).....No limit  
*Provided*, That expenditures shall be made from the motor carrier safety assistance program state fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

National motor carrier safety assistance program –  
 federal fund (280-00-3073).....No limit  
*Provided*, That expenditures shall be made from the national motor carrier safety assistance program – federal fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

Aircraft fund – on budget (280-00-2368-2360).....No limit  
 Highway safety fund (280-00-2217-2250).....No limit  
 Capitol area security fund (280-00-6143-6100).....No limit  
 Vehicle identification number fee fund (280-00-2213).....No limit  
 Motor vehicle fuel and storeroom sales fund (280-00-6155-6200).....No limit  
*Provided*, That expenditures may be made from the motor vehicle fuel and storeroom sales fund to acquire and sell commodities and to provide services to local governments and other state agencies: *Provided further*; That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for such commodities and services: *And provided further*; That such fees shall be fixed in order to recover all or part of the expenses incurred in acquiring or providing and selling such commodities and services: *And provided further*; That all fees received for such commodities and services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the motor vehicle fuel and storeroom sales fund.

Kansas highway patrol operations fund (280-00-2034-1100).....\$56,162,465  
*Provided*, That expenditures from the Kansas highway patrol operations fund for official hospitality shall not exceed \$3,000: *Provided further*; That expenditures may be made from the Kansas highway patrol operations fund for the purchase of civilian clothing for members of the Kansas highway patrol assigned to duties pursuant to K.S.A. 74-2105, and amendments thereto: *And provided further*; That the superintendent shall make expenditures from the Kansas highway patrol operations fund for necessary

moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

Kansas highway patrol law enforcement aircraft fund (280-00-2034).....No limit  
*Provided*, That expenditures may be made from the Kansas highway patrol law enforcement aircraft fund for the purchase of law enforcement aircraft and equipment.

Highway patrol training center fund (280-00-2306).....No limit  
*Provided*, That expenditures may be made from the highway patrol training center fund for use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: *Provided further*; That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for recovery of costs associated with use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: *And provided further*; That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the highway patrol training center by other state or local government agencies: *And provided further*; That all fees received for use of the highway patrol training center by other state agencies, local government agencies or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the highway patrol training center fund.

Executive aircraft fund (280-00-6144-6120).....No limit  
*Provided*, That expenditures may be made from the executive aircraft fund to provide aircraft services to other state agencies and to purchase liability and property damage insurance for state aircraft: *Provided further*; That the superintendent of the highway patrol is hereby authorized to fix, charge and collect fees for such aircraft services to other state agencies: *And provided further*; That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: *And provided further*; That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the executive aircraft fund.

- 1122 program clearing fund (280-00-7280).....No limit
- Kansas highway patrol staffing and training fund (280-00-2211-2211).....No limit
- BAU fund (280-00-3092).....No limit
- Homeland sec grant prog fund.....No limit
- Coronavirus emergency supplemental fund (280-00-3671).....No limit

(b) On or before the 10<sup>th</sup> of each month during the fiscal year ending June 30, 2022, the director of accounts and reports shall transfer from the state general fund to the 1122 program clearing fund (280-00-7280-7280) interest earnings based on: (1) The average daily balance of moneys in the 1122 program clearing fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(c) On July 1, 2021, and January 1, 2022, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer an amount specified by the executive director of the state corporation commission, with the approval of the director of the budget, of not more than \$650,000 from the motor carrier license fees fund (143-00-2812-5500) of the state corporation commission to the motor carrier safety assistance program state fund (280-00-2208) of the Kansas highway patrol.

(d) On July 1, 2021, October 1, 2021, January 1, 2022, and April 1, 2022, or as

soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer \$14,040,616.25 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund (280-00-2034-1100) of the Kansas highway patrol for the purpose of financing the Kansas highway patrol operations. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2022 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2022 for support and maintenance of the Kansas highway patrol.

(e) On July 1, 2021, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$295,000 from the state highway fund of the department of transportation to the highway safety fund (280-00-2217-2250) of the Kansas highway patrol for the purpose of financing the motorist assistance program of the Kansas highway patrol.

(f) On July 1, 2021, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$250,000 from the state highway fund of the department of transportation to the general fees fund (280-00-2179-2200) of the Kansas highway patrol for the purpose of financing operating expenditures of the Kansas highway patrol.

(g) On July 1, 2021, and January 1, 2022, or as soon thereafter each such date as moneys are available, notwithstanding the provisions of K.S.A. 74-2136, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$300,000 from the highway patrol motor vehicle fund (280-00-2317-2800) of the Kansas highway patrol to the aircraft fund – on budget (280-00-2368-2360) of the Kansas highway patrol.

(h) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made from such moneys to provide salary and wage parity between members of the capitol police and law enforcement officers of the Kansas highway patrol.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022, as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 to issue a Kansas highway patrol card, the same card that is issued to a retiring full-time state law enforcement officer, to a retired part-time state law enforcement officer, if the superintendent determines that the employment record and performance evaluations of each such officer are satisfactory: *Provided*, That the provisions of this subsection shall apply to all part-time state law enforcement officers who retired on or after January 1, 2020.

Sec. 123.

ATTORNEY GENERAL – KANSAS  
BUREAU OF INVESTIGATION

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

Automated biometric identification system (083-00-1000).....\$6,886,292

*Provided*, That the above agency is hereby authorized to make expenditures from the automated biometric identification system account to contract for services to procure and develop the automated biometric identification system.

(b) On the effective date of this act, of the \$23,159,639 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 108(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in operating expenditures account (083-00-1000-0083), the sum of \$7,000,138 is hereby lapsed.

Sec. 124.

ATTORNEY GENERAL – KANSAS  
BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (083-00-1000-0083).....\$22,138,481

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated to the operating expenditures account for fiscal year 2022: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$750.

Meth lab cleanup (083-00-1000-0200).....\$50,000

*Provided*, That any unencumbered balance in the meth lab cleanup account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*; That the above agency is hereby authorized to make expenditures from the meth lab cleanup account to contract for services for remediation of sites determined by law enforcement as hazardous resulting from the production of methamphetamine.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas bureau of investigation state forfeiture fund (083-00-2283).....No limit

*Provided*, That expenditures made from the Kansas bureau of investigation state forfeiture fund shall not be considered a source of revenue to meet normal operating expenses, but for such special, additional law enforcement purposes including direct or indirect operating expenditures incurred for conducting educational classes and training for special agents and other personnel, including official hospitality.

Federal forfeiture fund (083-00-3940).....No limit

*Provided*, That expenditures made from the federal forfeiture fund shall not be considered a source of revenue to meet normal operating expenses, but for such special, additional law enforcement purposes including direct or indirect operating expenditures incurred for conducting educational classes and training for special agents and other personnel, including official hospitality.

High intensity drug trafficking area – federal fund (083-00-3349-3100).....No limit

Federal grants – marijuana eradication – federal fund (083-00-3350).....No limit

eCitation national priority safety program – federal fund (083-00-3092).....No limit

Ncs-x grant – federal fund (083-00-3580-3580).....No limit

Criminal justice information system line fund (083-00-2457).....No limit

*Provided*, That in addition to the other purposes for which expenditures may be made from the criminal justice information system line fund pursuant to K.S.A. 74-5707, and amendments thereto, expenditures may be made from the criminal justice information system line fund for salaries and wages, contractual services, commodities and capital outlay for the maintenance and support of the Kansas criminal justice information system.

DNA database fund (083-00-2676-2700).....No limit

Kansas bureau of investigation motor vehicle fund (083-00-2344-2050).....No limit

*Provided*, That expenditures may be made from the Kansas bureau of investigation motor vehicle fund to acquire and sell motor vehicles for the Kansas bureau of investigation: *Provided further*, That all moneys received for sale of motor vehicles of the Kansas bureau of investigation shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas bureau of investigation motor vehicle fund.

Forensic laboratory and materials fee fund (083-00-2077).....No limit

*Provided*, That expenditures may be made from the forensic laboratory and materials fee fund for the acquisition of laboratory equipment and materials and for other direct or indirect operating expenditures for the forensic laboratory of the Kansas bureau of investigation: *Provided, however*, That all expenditures from this fund of moneys received as Kansas bureau of investigation laboratory analysis fees pursuant to K.S.A. 28-176, and amendments thereto, shall be for the purposes authorized by K.S.A. 28-176(e), and amendments thereto: *Provided further*, That all fees received for such laboratory tests, including all moneys received pursuant to K.S.A. 28-176(a), and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the forensic laboratory and materials fee fund.

General fees fund (083-00-2140).....No limit

*Provided*, That expenditures may be made from the general fees fund for direct or indirect operating expenditures incurred for the following activities: (1) Conducting education and training classes for special agents and other personnel, including official hospitality; (2) purchasing illegal drugs, making contacts and acquiring information leading to illegal drug outlets, contraband and stolen property, and conducting other activities for similar investigatory purposes; (3) conducting investigations and related activities for the Kansas lottery or the Kansas racing and gaming commission; (4) conducting DNA forensic laboratory tests and related activities; (5) preparing, publishing and distributing crime prevention materials; and (6) conducting agency operations: *Provided, however*, That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses incurred, except as otherwise hereinafter provided, for the following: (1) Education and training services made available to local law enforcement personnel in classes conducted for special agents and other personnel of the Kansas bureau of investigation; (2) investigations and related activities conducted for the Kansas lottery or the Kansas racing and gaming commission, except that the fees fixed for these activities shall be fixed in order to recover all of the direct and indirect expenses incurred for such investigations and related activities; (3) DNA forensic laboratory tests and related activities; and (4) sale and distribution of crime prevention materials: *Provided further*, That all fees received for such activities shall be deposited

in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*; That all moneys that are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and that are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*; That all moneys received as gifts, grants or donations for the preparation, publication or distribution of crime prevention materials shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*; That expenditures from any moneys received from the division of alcoholic beverage control and credited to the general fees fund may be made by the Kansas bureau of investigation for all purposes for which expenditures may be made for operating expenditures: *And provided further*; That expenditures from any moneys received from the Kansas criminal justice information system committee and credited to the general fees fund may be made by the Kansas bureau of investigation for all purposes for which expenditures may be made for training activities and official hospitality.

Record check fee fund (083-00-2044-2010).....No limit  
*Provided*, That the director of the Kansas bureau of investigation is authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses for criminal history record checks conducted for noncriminal justice entities including government agencies and private organizations: *Provided, however*; That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the record check fee fund: *Provided further*; That expenditures may be made from the record check fee fund for operating expenditures of the Kansas bureau of investigation.

Intergovernmental  
 service fund (083-00-6119-6100).....No limit  
     Agency motor pool fund (083-00-6117).....No limit  
     National criminal history improvement program  
 federal fund (083-00-3189-3189).....No limit  
     Public safety partnership and community policing  
 federal fund (083-00-3218-3218).....No limit  
     Forensic DNA backlog reduction  
 federal fund (083-00-3226-3226).....No limit  
     Coverdell forensic sciences improvement  
 federal fund (083-00-3227-3227).....No limit  
     Anti-gang initiative federal fund (083-00-3229-3229).....No limit  
     Homeland security federal fund (083-00-3199).....No limit  
     State homeland security program federal fund (083-00-3629-3629).....No limit  
     Convicted/arrestee DNA backlog reduction  
 federal fund (083-00-3489-3489).....No limit  
     Disaster grants – public assistance federal fund (083-00-3005-3005).....No limit  
     Ed Byrne memorial justice assistance federal fund (083-00-3057).....No limit  
     Ed Byrne state/local law enforcement federal fund (083-00-3213-3213).....No limit  
     Violence against women – ARRA federal fund (083-00-3214).....No limit

AWA implementation grant program federal fund (083-00-3228-3228).....	No limit
Ed Byrne memorial JAG – ARRA federal fund (083-00-3455-3455).....	No limit
Convicted offender/arrestee DNA backlog reduction federal fund (083-00-3489-3489).....	No limit
KBI-FBI reimbursement federal fund (083-00-3506-3506).....	No limit
Project safe neighborhoods fund (083-00-3217-3217).....	No limit
Social security administration reimbursement – federal fund (083-00-3560-3560).....	No limit
Bulletproof vest partnership – federal fund (083-00-3216-3211).....	No limit
Sexual assault kit grant – federal fund (083-00-3146-3146).....	No limit
Crime victim assistance discretionary grant (083-00-3250-3260).....	No limit
Opioid summit fund.....	No limit

(c) During the fiscal year ending June 30, 2022, the attorney general may authorize full-time non-FTE unclassified permanent positions and regular part-time non-FTE unclassified permanent positions for the Kansas bureau of investigation that are paid from appropriations for the attorney general – Kansas bureau of investigation for fiscal year 2022 made by this act or other appropriation act of the 2021 regular session of the legislature, which shall be in addition to the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, authorized for fiscal year 2022 for the attorney general – Kansas bureau of investigation. The attorney general shall certify each such authorization for non-FTE unclassified permanent positions for the Kansas bureau of investigation to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the director of legislative research and the director of the budget.

Sec. 125.

EMERGENCY MEDICAL SERVICES BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Emergency medical services operating fund (206-00-2326-4000).....	\$1,747,711
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*Provided*, That the emergency medical services board is hereby authorized to fix, charge and collect fees in order to recover costs incurred for distributing educational videos, replacing lost educational materials and mailing labels of those licensed by the board: *Provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the emergency medical services operating fund: *And provided further*, That, notwithstanding the provisions of K.S.A. 65-6128 or 65-6129b, and amendments thereto, or of any other statute, all moneys received by the emergency medical services board for fees authorized by law for licensure or the issuance of permits, or for any other regulatory duties and functions prescribed by law in the field of emergency medical services, shall be deposited in the state treasury to the credit of the emergency medical services operating fund of the emergency medical services board: *And provided further*, That expenditures from the emergency medical

services operating fund for official hospitality shall not exceed \$2,000.

Education incentive grant payment fund (206-00-2396-2510).....No limit  
*Provided*, That the priority for award of education incentive grants shall be to award such grants to rural areas.

EMS revolving fund (206-00-2449-2400).....No limit  
*Provided*, That, if an organization agrees to receive money from the EMS revolving fund, the organization shall enter into a grant agreement requiring such organization to submit a written report to the emergency medical services board detailing and accounting for all expenditures and receipts related to the use of the moneys received from the EMS revolving fund: *Provided further*, That the emergency medical services board shall prepare a written report specifying and accounting for all moneys allocated to and expended from the EMS revolving fund: *And provided further*, That such report shall be submitted to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2022.

EMS criminal history and fingerprinting fund (206-00-2806-2806).....No limit

(b) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the emergency medical services operating fund (206-00-2326-4000) for fiscal year 2022 by this or other appropriation act of the 2021 regular session of the legislature, expenditures may be made by the emergency medical services board from the emergency medical services operating fund for fiscal year 2022 for the purpose of implementing a grant program for emergency medical services training and educational assistance for persons in underserved areas: *Provided*, That when issuing such grants, first priority shall be given to ambulance services submitting applications seeking grants to pay the cost of recruiting volunteers and cost of the initial courses of training for attendants and instructor-coordinators: *Provided further*, That the second priority shall be given to ambulance services submitting applications seeking grants to pay the cost of continuing education for attendants and instructor-coordinators: *And provided further*, That the third priority shall be given to ambulance services submitting applications seeking grants to pay the cost of education for attendants and instructor-coordinators who are obtaining a postsecondary education degree.

(c) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the moneys appropriated from the state general fund or from any special revenue fund or funds for the emergency medical services board for fiscal year 2022, as authorized by this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the emergency medical services board from moneys appropriated from the state general fund or from any special revenue fund or funds for the emergency medical services board for fiscal year 2022 to require emergency medical services agencies in each of the six EMS regions of the state to prepare and submit a report of the expenditures made and moneys received in each of the EMS regions that are related to the operation and administration of the Kansas emergency medical services regional operations to the emergency medical services board: *Provided*, That the report for each EMS region shall specify and account for all moneys appropriated from the state treasury for the emergency medical services board and disbursed to each such EMS region for the operation of the education and training of emergency medical attendants in each such EMS region.

(d) On July 1, 2021, and January 1, 2022, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer \$150,000 from

the emergency medical services operating fund (206-00-2326-4000) to the educational incentive grant payment fund (206-00-2396-2510) of the emergency medical services board.

(e) During the fiscal year ending June 30, 2022, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the emergency medical services operating fund (206-00-2326-4000) during fiscal year 2022, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the emergency medical services operating fund during fiscal year 2022 are insufficient to fund the budgeted expenditures and transfers from the emergency medical services operating fund for fiscal year 2022 in accordance with the provisions of appropriation acts, the director of the budget shall certify such funding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the education incentive grant payment fund (206-00-2396-2510) to the emergency medical services operating fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the emergency medical services operating fund for the remainder of fiscal year 2022 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(f) During the fiscal year ending June 30, 2022, if any EMS regional council enters into a grant agreement with the emergency medical services board, such council shall be required to submit pursuant to such grant agreement a written report detailing and accounting for all expenditures and receipts of such council during such fiscal year. The emergency medical services board shall prepare a written report specifying and accounting for all moneys received by and expended by each individual council that has reported to the emergency medical services board pursuant to such grant agreement and submit such report to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2022.

Sec. 126.

#### KANSAS SENTENCING COMMISSION

(a) On the effective date of this act, of the \$1,088,747 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 110(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the operating expenditures account (626-00-1000-0303), the sum of \$237,392 is hereby lapsed.

(b) On the effective date of this act, of the \$10,839,584 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 110(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the substance abuse treatment programs account (626-00-1000-0600), the sum of \$920,246 is hereby lapsed.

Sec. 127.

#### KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (626-00-1000-0303).....\$961,734  
*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$900.

Substance abuse treatment programs (626-00-1000-0600).....\$7,834,019  
*Provided*, That any unencumbered balance in the substance abuse treatment programs account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures from such reappropriated balance shall not exceed \$986,490, except upon approval of the state finance council: *Provided further*; That, notwithstanding the provisions of K.S.A. 2020 Supp. 21-6824, and amendments thereto, or any other statute, in addition to other purposes for which expenditures may be made by the above agency from the substance abuse treatment program account of the state general fund during fiscal year 2022, expenditures may be made from such account for operating costs.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- General fees fund (626-00-2201-2000).....No limit
  - Statistical analysis – federal fund (626-00-3600).....No limit
  - Coronavirus relief fund (626-00-3753).....No limit
- Sec. 128.

**KANSAS COMMISSION ON PEACE OFFICERS'  
STANDARDS AND TRAINING**

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 112(a) of chapter 5 of the 2020 Session Laws of Kansas on the Kansas commission on peace officers' standards and training fund (529-00-2583-2580) of the Kansas commission on peace officers' standards and training is hereby increased from \$691,229 to \$705,662.

Sec. 129.

**KANSAS COMMISSION ON PEACE OFFICERS'  
STANDARDS AND TRAINING**

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Kansas commission on peace officers' standards and training fund (529-00-2583-2580).....\$711,904
  - Provided*, That expenditures from the Kansas commission on peace officers' standards and training fund for official hospitality shall not exceed \$1,000.
  - Local law enforcement training reimbursement fund (529-00-2746-2700).....No limit
- Sec. 130.

**KANSAS DEPARTMENT OF AGRICULTURE**

(a) There is appropriated for the above agency from the state water plan fund for

the fiscal year ending June 30, 2021, for the state water plan project or projects specified, the following:

Lake restoration (046-00-1800-1275).....\$820,177

(b) On the effective date of this act, of the \$9,833,884 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 113(a) of chapter 5 of the 2020 Session Laws of Kansas and revised under the authority granted in K.S.A. 75-3722, and amendments thereto, from the state general fund in the operating expenditures account (046-00-1000-0053), the sum of \$390,642 is hereby lapsed.

(c) On the effective date of this act, of the \$701,783 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 113(c) of chapter 5 of the 2020 Session Laws of Kansas from the state water plan fund in the interstate water issues account (046-00-1800-0070), the sum of \$16,645 is hereby lapsed.

(d) On the effective date of this act, of the \$865,643 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 113(c) of chapter 5 of the 2020 Session Laws of Kansas from the state water plan fund in the subbasin water resources management account (046-00-1800-0080), the sum of \$26,737 is hereby lapsed.

(e) On the effective date of this act, of the \$2,881,451 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 113(c) of chapter 5 of the 2020 Session Laws of Kansas from the state water plan fund in the water resource cost share account (046-00-1800-1205), the sum of \$250,208 is hereby lapsed.

(f) On the effective date of this act, of the \$2,131,892 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 113(c) of chapter 5 of the 2020 Session Laws of Kansas from the state water plan fund in the nonpoint source pollution assistance account (046-00-1800-1210), the sum of \$4,603 is hereby lapsed.

(g) On the effective date of this act, of the \$2,342,637 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 113(c) of chapter 5 of the 2020 Session Laws of Kansas from the state water plan fund in the conservation district aid account (046-00-1800-1220), the sum of \$150,000 is hereby lapsed.

(h) On the effective date of this act, of the \$858,034 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 113(c) of chapter 5 of the 2020 Session Laws of Kansas from the state water plan fund in the Kansas conservation reserve enhancement program fund account (046-00-1800-1225), the sum of \$403,098 is hereby lapsed.

(i) On the effective date of this act, of the \$750,000 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 113(c) of chapter 5 of the 2020 Session Laws of Kansas from the state water plan fund in the watershed dam construction account (046-00-1800-1240), the sum of \$200,000 is hereby lapsed.

(j) On the effective date of this act, of the \$1,570,700 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 113(c) of chapter 5 of the 2020 Session Laws of Kansas from the state water plan fund in the streambank stabilization projects account (046-00-1800-1290), the sum of \$250,000 is hereby lapsed.

(k) On the effective date of this act, of the \$1,035,436 appropriated for the above

agency for the fiscal year ending June 30, 2021, by section 113(f) of chapter 5 of the 2020 Session Laws of Kansas from the agriculture marketing program account (046-00-1900-1110) of the state economic development initiatives fund, the sum of \$51,772 is hereby lapsed.

Sec. 131.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (046-00-1000-0053).....\$9,006,155

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated to the operating expenditures account for fiscal year 2022: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$10,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Dairy fee fund (046-00-2105-1015).....No limit
- Meat and poultry inspection fee fund (046-00-2004-0700).....No limit
- Plant protection fee fund (046-00-2006-0900).....No limit
- Laboratory equipment fund (046-00-2710-2700).....No limit
- Water structures – state highway fund (046-00-2043-1080).....No limit
- Soil amendment fee fund (046-00-2117-1100).....No limit
- Agricultural liming materials fee fund (046-00-2118-1200).....No limit
- Weights and measures fee fund (046-00-2165-1500).....No limit
- Water appropriation certification fund (046-00-2168-1600).....No limit
- Water resources cost fund (046-00-2110-1020).....No limit

*Provided*, That all moneys received by the secretary of agriculture from any governmental or nongovernmental source to implement the provisions of the Kansas water banking act, K.S.A. 82a-761 through 82a-773, and amendments thereto, which are hereby authorized to be applied for and received, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the water resources cost fund.

- Agriculture seed fee fund (046-00-2187-2720).....No limit
- Chemigation fee fund (046-00-2194-1800).....No limit
- Petroleum inspection fee fund (046-00-2550-2550).....No limit
- Kansas agricultural remediation fund (046-00-2095-1090).....No limit
- Warehouse fee fund (046-00-2809-4700).....No limit
- U.S. geological survey cooperative gauge agreement  
funds fund (046-00-2629-2800).....No limit

*Provided*, That the secretary of agriculture is hereby authorized to enter into a cooperative gauge agreement with the United States geological survey: *Provided further*, That all moneys collected for the construction or operation of river water intake gauges shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the U.S. geological survey cooperative gauge agreement grants fund: *And provided further*, That expenditures may be made from this fund to pay the costs incurred in the construction

or operation of river water intake gauges.

Agricultural chemical fee fund (046-00-2800-2900).....	No limit
Feeding stuffs fee fund (046-00-2801-4000).....	No limit
Fertilizer fee fund (046-00-2802-4100).....	No limit
Plant pest emergency response fund (046-00-2210-1805).....	No limit
Pesticide use fee fund (046-00-2804-4300).....	No limit
Egg fee fund (046-00-2808-4600).....	No limit
Water structures fund (046-00-2037-1075).....	No limit
Meat and poultry inspection fund – federal (046-00-3013).....	No limit
EPA pesticide performance partnership grant – federal fund (046-00-3295-3290).....	No limit
FEMA dam safety – federal fund (046-00-3362-3353).....	No limit
State trade and export promotion – federal fund (046-00-3573-3576).....	No limit
Conversion of materials and equipment fund (046-00-2402-2200).....	No limit
Trademark fund (046-00-2333-2360).....	No limit
Water structures USGS LIDAR grant (046-00-3080-3080).....	No limit
Water structures NRCS LIDAR grant (046-00-3081-3081).....	No limit
Specialty crop block grant fund (046-00-3463-3300).....	No limit
Market development fund (046-00-2331-2351).....	No limit
<i>Provided</i> , That expenditures may be made from the market development fund for official hospitality: <i>Provided further</i> , That expenditures may be made from the market development fund for loans pursuant to loan agreements, which are hereby authorized to be entered into by the secretary of agriculture: <i>And provided further</i> , That all moneys received by the department of agriculture for repayment of loans made under the agricultural value added center program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the market development fund.	
Reimbursement and recovery fund (046-00-2773-2294).....	No limit
<i>Provided</i> , That expenditures may be made from the reimbursement and recovery fund for official hospitality.	
Conference registration and disbursement fund (046-00-2772-2101).....	No limit
<i>Provided</i> , That expenditures may be made from the conference registration and disbursement fund for official hospitality.	
Buffer participation incentive fund (046-00-2517-2510).....	No limit
Land reclamation fee fund (046-00-2542-2090).....	No limit
Livestock brand fee fund (046-00-2011-2030).....	No limit
Livestock market brand inspection fee fund (046-00-2007-2010).....	No limit
Veterinary inspection fee fund (046-00-2009-2020).....	No limit
Animal dealers fee fund (046-00-2207-2050).....	No limit
<i>Provided</i> , That expenditures from the animal dealers fee fund for official hospitality shall not exceed \$300: <i>Provided further</i> , That expenditures shall be made from the animal dealers fee fund by the livestock commissioner for operating expenditures for an educational course regarding animals and their care and treatment as authorized by K.S.A. 47-1707, and amendments thereto, to be provided through the internet or printed booklets.	
Animal disease control fund (046-00-2202-2500).....	No limit

*Provided*, That expenditures from the animal disease control fund for official hospitality shall not exceed \$450: *Provided further*; That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2022 the Kansas department of agriculture may prorate license fees and alter license due dates as needed in order to transition to online license applications and renewals for the fiscal year ending June 30, 2022.

Health and human services retail food audit –  
federal fund (046-00-3429-3410).....No limit  
Publications fee fund (046-00-2322-2000).....No limit

*Provided*, That expenditures may be made from the publications fee fund for operating expenditures related to preparation and publication of informational or educational materials related to the programs or functions of the Kansas department of agriculture: *Provided further*; That, notwithstanding the provisions of K.S.A. 75-1005, and amendments thereto, to the contrary, the secretary of agriculture is hereby authorized to enter into a contract with a commercial publisher for the printing, distribution and sale of such materials: *And provided further*; That the secretary of agriculture is hereby authorized to collect fees from such commercial publisher pursuant to contract with the publisher for the sale of such materials: *And provided further*; That the secretary of agriculture is hereby authorized to receive and accept grants, gifts, donations or funds from any non-federal source for the printing, publication and distribution of such materials: *And provided further*; That all moneys received from such fees or for such grants, gifts, donations or other funds received for such purpose shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the publications fee fund.

Homeland security grant – federal fund (046-00-3199-3436).....No limit  
National floodplain insurance assistance (CAP) –  
federal fund (046-00-3445-3330).....No limit

Cooperating technical partners –  
federal fund (046-00-3203-3210).....No limit  
Plant and animal disease & pest control – federal fund (046-00-3360).....No limit  
Market protection/promotion fund (046-00-3104-3315).....No limit  
USDA Kansas forestry service – federal fund (046-00-3426-3380).....No limit  
Food safety fee fund (046-00-2813-4805).....No limit  
Gifts and donations fund (046-00-7305-7000).....No limit

*Provided*, That the secretary of agriculture is hereby authorized to receive gifts and donations of resources and money for services for the benefit and support of agriculture and purposes related thereto: *Provided further*; That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the gifts and donations fund.

General fees fund (046-00-2346-2100).....No limit

*Provided*, That expenditures may be made from the general fees fund for operating expenditures for the regulatory programs of the Kansas department of agriculture and for official hospitality: *Provided further*; That the director of accounts and reports shall transfer an amount or amounts specified by the secretary of agriculture from any special revenue fund or funds of the department of agriculture that have available moneys to the general fees fund: *And provided further*; That the director of accounts and reports

shall transmit a copy of such transfer request to the director of legislative research.

- Lodging fee fund (046-00-2456-2400).....No limit
- Watershed protect approach/WTR RSRCE MGT fund (046-00-3889).....No limit
- NRCS contribution agreement farm bill – federal fund (046-00-3917-3800)...No limit
- Compliance education fee fund (046-00-2757-2757).....No limit

*Provided*, That all expenditures from the compliance education fee fund shall be for the purposes of compliance education: *Provided further*, That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2022, the secretary of agriculture is hereby authorized to remit and designate amounts of moneys collected for civil fines and penalties by the department of agriculture to the state treasurer for deposit in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the compliance education fee fund: *And provided further*, That, upon receipt of each such remittance and designation, the state treasurer shall credit the entire amount of such remittance to the compliance education fee fund.

- Laboratory testing services fee fund (046-00-2752-2752).....No limit

*Provided*, That expenditures may be made from the laboratory testing services fee fund for administrative operating expenditures of the agriculture laboratory of the Kansas department of agriculture: *Provided further*, That the director of accounts and reports shall transfer an amount or amounts specified by the secretary of agriculture from any special revenue fund or funds of the department of agriculture that have available moneys to the laboratory testing services fee fund: *And provided further*, That the director of accounts and reports shall transmit a copy of such transfer request to the director of legislative research.

- Arkansas river gaging fund (046-00-2751-2751).....No limit
- Food/drug administration/research (046-00-3462).....No limit
- Biofuel infrastructure program (046-00-3579-3579).....No limit
- AMS farmers market promotion program (046-00-3588-3588).....No limit
- Grain commodity commission services fund (046-00-2018-1070).....No limit
- Commercial industrial hemp act licensing fee fund (046-00-2343-2343).....No limit
- Plant/animal disease and pest control (046-00-3360).....No limit
- Service member ag grant (046-00-3185-3185).....No limit
- NRCS grant CFDA 10.932 fund (046-00-3022-3903).....No limit
- NRCS grant CFDA 10.931 fund (046-00-3228-3220).....No limit
- Ag stats report fund (046-00-3427-3390).....No limit
- NRCS grant CFDA 10.069 fund (046-00-3952-3901).....No limit
- NRCS grant CFDA 10.924 fund (046-00-3953-3902).....No limit
- Flx finding mdl coop agrmt fund (046-00-3954-3905).....No limit
- NRCS grant CFDA 10.912 fund (046-00-3955-3904).....No limit
- Coronavirus relief fund – federal fund (046-00-3753).....No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2022, for the water plan project or projects specified, the following:

- Water resources cost share (046-00-1800-1205).....\$2,248,289

*Provided*, That any unencumbered balance in the water resources cost share account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That the initial allocation for grants to conservation districts for fiscal year 2022 shall be made on a priority basis, as determined by the secretary of

agriculture and the provisions of the state water plan: *And provided further*, That expenditures from this account for contractual technical expertise and/or non-salary administration expenditures for the division of conservation of the Kansas department of agriculture shall not exceed the amount equal to 6.0% of the budget amount for fiscal year 2022 for the water resources cost share account.

Nonpoint source pollution assistance (046-00-1800-1210).....\$1,853,185  
*Provided*, That any unencumbered balance in the nonpoint source pollution assistance account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Conservation district aid (046-00-1800-1220).....\$2,223,373  
*Provided*, That any unencumbered balance in the conservation district aid account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Watershed dam construction (046-00-1800-1240).....\$550,000  
*Provided*, That any unencumbered balance in the watershed dam construction account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures from the watershed dam construction account are hereby authorized for engineering contracts for watershed planning as determined by the secretary of agriculture.

Kansas water quality buffer initiatives (046-00-1800-1250).....\$100,000  
*Provided*, That any unencumbered balance in the Kansas water quality buffer initiatives account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That all expenditures from the Kansas water quality buffer initiatives account shall be for grants or incentives to install water quality best management practices: *And provided further*, That such expenditures may be made from this account from the approved budget amount for fiscal year 2022 in accordance with contracts, which are hereby authorized to be entered into by the secretary of agriculture, for such grants or incentives.

Riparian and wetland program (046-00-1800-1260).....\$54,024  
*Provided*, That any unencumbered balance in the riparian and wetland program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Basin management (046-00-1800-0080).....\$584,023  
*Provided*, That any unencumbered balance in the basin management account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Water use (046-00-1800-0075).....\$72,600  
*Provided*, That any unencumbered balance in the water use account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Interstate water issues (046-00-1800-0070).....\$473,184  
*Provided*, That any unencumbered balance in the interstate water issues account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Kansas conservation reserve enhancement program fund (046-00-1800-1225).....\$446,593  
*Provided*, That any unencumbered balance in the Kansas conservation reserve enhancement program fund account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Streambank stabilization projects (046-00-1800-1290).....\$794,264  
*Provided*, That any unencumbered balance in the streambank stabilization projects

account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Irrigation technology (046-00-1800-0088).....\$250,000

*Provided*, That any unencumbered balance in the irrigation technology account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Crop and livestock research (046-00-1800).....\$250,000

*Provided*, That any unencumbered balance in the crop and livestock research account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(d) During the fiscal year ending June 30, 2022, the secretary of agriculture, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, or upon specific authorization in an appropriation act of the legislature, may transfer any part of any item of appropriation for fiscal year 2022 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2022 from the state water plan fund for the Kansas department of agriculture: *Provided*, That the secretary of agriculture shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to: (1) The director of legislative research; (2) the chairperson of the house of representatives agriculture and natural resources budget committee; and (3) the appropriate chairperson of the subcommittee on agriculture of the senate committee on ways and means.

(e) On July 1, 2021, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$128,379 from the state highway fund of the department of transportation to the water structures – state highway fund (046-00-2043-1080) of the Kansas department of agriculture.

(f) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2022, the following:

Agriculture marketing program (046-00-1900-1110).....\$983,664

*Provided*, That expenditures may be made from the agriculture marketing program account for loans pursuant to loan agreements, which are hereby authorized to be entered into by the secretary of agriculture in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary of agriculture therefor under the agricultural value added center program.

Sec. 132.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (373-00-1000-0103).....\$135,000

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022:

*Provided further*, That the above agency shall make expenditures from the operating expenditures account during the fiscal year 2022 to request assistance from other state agencies to negotiate with the city of Hutchinson on the increase of storm water charges and the electric company on how electricity is calculated.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter

lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law and remittances of sales tax to the department of revenue, shall not exceed the following:

- State fair fee fund (373-00-5182-5100).....No limit
  - Provided*, That expenditures from the state fair fee fund for official hospitality shall not exceed \$10,000.
  - State fair special cash fund (373-00-9088-9000).....No limit
  - State fair debt service special revenue fund (373-00-2267-2200).....No limit
- Sec. 133.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2021, for the water plan project or projects specified, the following:

MOU – storage operations and maintenance (709-00-1800-1150) .....\$105,962

(b) On the effective date of this act, of the \$836,039 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 117(c) of chapter 5 of the 2020 Session Laws of Kansas from the state water plan fund in the assessment and evaluation account (709-00-1800-1110), the sum of \$236,862 is hereby lapsed.

(c) On the effective date of this act, of the \$432,680 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 117(c) of chapter 5 of the 2020 Session Laws of Kansas from the state water plan fund in the stream gaging account (709-00-1800-1190), the sum of \$19,100 is hereby lapsed.

(d) On the effective date of this act, of the \$452,304 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 117(c) of chapter 5 of the 2020 Session Laws of Kansas from the state water plan fund in the reservoir bathymetric surveys and biological research account (709-00-1800-1275), the sum of \$50,000 is hereby lapsed.

(e) On the effective date of this act, any unencumbered balance in the best management practices implementation account (709-00-1800-1286) of the state water plan fund is hereby lapsed.

(f) On the effective date of this act, of the \$59,141 appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2021, by section 117(c) of chapter 5 of the 2020 Session Laws of Kansas from the state water plan fund in the equus beds aquifer chloride plume pilot account (709-00-1800-1287), the sum of \$50,000 is hereby lapsed.

(g) On the effective date of this act, of the \$660,000 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 117(c) of chapter 5 of the 2020 Session Laws of Kansas from the state water plan fund in the water injection dredging account (709-00-1800-1290), the sum of \$510,000 is hereby lapsed.

(h) On the effective date of this act, or as soon as moneys are available, the director of accounts and reports shall transfer \$2,407,699 from the state water plan fund to the state general fund.

Sec. 134.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Water resources operating expenditures (709-00-1000-0303).....\$922,239  
*Provided*, That any unencumbered balance in the water resources operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures from this account for official hospitality shall not exceed \$1,500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Local water project match fund (709-00-2620-3200).....No limit  
*Provided*, That all moneys received from local government entities and instrumentalities to be used to match funds for water projects shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local water project match fund: *Provided further*; That all moneys credited to this fund shall be used to match state funds or federal funds, or both, for water projects.

Water supply storage assurance fund (709-00-2631).....No limit  
*Provided*, That no additional water supply storage space shall be purchased in Milford, Perry, Big Hill or Hillsdale reservoirs during fiscal year 2022, unless a contract is entered into under the state water plan storage act, K.S.A. 82a-1301 et seq., and amendments thereto, to supply water to users that is not held under contract in such reservoirs.

State conservation storage water supply fund (709-00-2502-2600).....No limit  
 Water marketing fund (709-00-2255-2100).....No limit  
*Provided*, That expenditures may be made from the water marketing fund for the purchase of vessel liability insurance.

General fees fund (709-00-2022-2000).....No limit  
*Provided*, That expenditures may be made from the general fees fund for operating expenditures for the Kansas water office, including training and informational programs and official hospitality: *Provided further*; That the director of the Kansas water office is hereby authorized to fix, charge and collect fees for such programs: *And provided further*; That fees for such programs shall be fixed in order to recover all or part of the operating expenses incurred for such programs, including official hospitality: *And provided further*; That all fees received for such programs and all fees received for providing access to or for furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Indirect cost fund (709-00-2419-2419).....No limit  
 Motor pool vehicle replacement fund (709-00-6120-6100).....No limit  
 Reservoir storage beneficial use fund (709-00-2673-2630).....No limit  
*Provided*, That expenditures may be made by the above agency from the reservoir storage beneficial use fund to call water into service for beneficial uses or to complete studies or take actions necessary to ensure reservoir storage sustainability, subject to the availability of moneys credited to the reservoir storage beneficial use fund.

Republican river water conservation projects – Nebraska  
 moneys fund (709-00-2690-2640).....No limit  
 Republican river water conservation projects – Colorado

moneys fund (709-00-2691-2680).....	No limit
Lower Smoky Hill water supply access fund (709-00-2772-2700).....	No limit
Milford RCPP federal fund (709-00-3022-3022).....	No limit
Lower Smoky Hill water supply access fund (709-00-2203-2203).....	No limit
EPA wetland development grant fund (709-00-3914-3990).....	No limit
Distribution management plan – CDFA 97.042.....	No limit
Emergency management performance grant (709-00-3342-3342).....	No limit
HHPD rehabilitation – CDFA 97.041 (709-00-3362-3362).....	No limit
Multipurpose grant – CDFA 66-204 (709-00-3103-3103).....	No limit
South fork Republican river water conservation projects fund (709-00-2824-2824).....	No limit

*Provided*, That during the fiscal year ending June 30, 2022, the above agency shall pay an amount equal to the amount certified pursuant to subsection (b) from the south fork Republican river water conservation projects fund as a grant pursuant to the grant agreement entered into by the Kansas water office and the Cheyenne county conservation district, and amendments thereto: *Provided further*, That in accordance with the grant agreement, such moneys shall be used exclusively for the purposes of paying all or a portion of the costs of the projects specified in K.S.A. 82a-1804(g), and amendments thereto, in the area lying in the south fork of the upper Republican river basin in northwest Kansas in all or parts of Cheyenne and Sherman counties: *And provided further*, That in accordance with the grant agreement, all expenditures of such moneys shall be approved by the Cheyenne county conservation district and the Kansas water office: *And provided further*, That, in accordance with the grant agreement, such moneys shall be administered by the Cheyenne county conservation district and any interest earned on such moneys shall be used for the purposes prescribed by this subsection: *And provided further*, That in accordance with the grant agreement, all expenditures and the status of new projects approved by the Cheyenne county conservation district shall be reported not later than November 1 of each calendar year to the Kansas water office.

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2022, for the state water plan project or projects specified, the following:

Assessment and evaluation (709-00-1800-1110).....	\$858,919
<i>Provided</i> , That any unencumbered balance in the assessment and evaluation account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.	
MOU – storage operations and maintenance (709-00-1800-1150).....	\$526,081
<i>Provided</i> , That any unencumbered balance in the MOU – storage operations and maintenance account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.	
Stream gaging (709-00-1800-1190).....	\$423,130
<i>Provided</i> , That any unencumbered balance in the stream gaging account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.	
Technical assistance to water users (709-00-1800-1200).....	\$325,000
<i>Provided</i> , That any unencumbered balance in the technical assistance to water users account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.	
Milford lake watershed regional conservation	

partnership program (709-00-1800-1280).....\$200,000

*Provided*, That any unencumbered balance in the Milford lake watershed regional conservation partnership program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Best management practices implementation (709-00-1800-1286).....\$550,000

*Provided*, That any unencumbered balance in the best management practices implementation account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Water vision education (709-00-1800-1281).....\$125,000

*Provided*, That any unencumbered balance in the water vision education account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Reservoir bathymetric surveys and biological research (709-00-1800-1275).....\$350,000

*Provided*, That any unencumbered balance in the reservoir bathymetric surveys and biological research account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Water technology farms (709-00-1800-1282).....\$100,000

*Provided*, That any unencumbered balance in the water technology farms account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Water injection dredging (709-00-1800-1290).....\$975,000

Arbuckle study (709-00-1800-1289).....\$60,000

(d) During the fiscal year ending June 30, 2022, the director of the Kansas water office, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2022 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2022 from the state water plan fund for the Kansas water office: *Provided*, That the director of the Kansas water office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to: (1) The director of legislative research; (2) the chairperson of the house of representatives agriculture and natural resources budget committee; and (3) the appropriate chairperson of the subcommittee on natural resources of the senate committee on ways and means.

(e) During the fiscal year ending June 30, 2022, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund (709-00-2255-2100) of the Kansas water office as a result of a cash flow shortfall, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to maintain the cash flow of the water marketing fund upon approval of each such loan by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto. No such loan shall be made unless the terms have been approved by the director of the budget. A copy of the terms of each such loan shall be submitted to the director of legislative research. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall be repaid without interest within one year from the date of the loan.

(f) During the fiscal year ending June 30, 2022, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund (709-00-2255-2100) of the Kansas water office as a result of increases in water rates, fees or charges imposed by the federal government, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to reimburse the water marketing fund for increases in water rates, fees or charges imposed by the federal government and to allow the Kansas water office to spread such increases to consumers over a longer period, except that no such loan shall be made unless the terms thereof have been approved by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall bear interest at a rate equal to the net earnings rate for the pooled money investment portfolio at the time of the making of such loan. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Upon certification to the pooled money investment board by the director of the Kansas water office of the amount of each loan authorized pursuant to this subsection, the pooled money investment board shall transfer each such amount certified by the director of the Kansas water office from the state bank account or accounts to the water marketing fund of the Kansas water office. The principal and interest of each loan authorized pursuant to this subsection shall be repaid in payments payable at least annually for a period of not more than five years.

(g) During the fiscal year ending June 30, 2022, the director of accounts and reports shall transfer an amount or amounts specified by the director of the Kansas water office prior to April 1, 2022, from the water marketing fund (709-00-2255-2100) to the state general fund, in accordance with the provisions of the state water plan storage act, K.S.A. 82a-1301 et seq., and amendments thereto, and rules and regulations adopted thereunder, for the purposes of making repayments to the state general fund for moneys advanced for annual capital cost payments for water supply storage space in reservoirs.

(h) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the Kansas water office from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2022 by this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the Kansas water office from the state general fund or from any special revenue fund or funds for fiscal year 2022 to provide for the Kansas water office to lead database coordination of water quality and quantity data for all state water agencies and cooperating federal agencies to facilitate policy-making and such other matters relating thereto.

(i) Notwithstanding the provisions of K.S.A. 82a-1315c, and amendments thereto, or any other statute, on July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$414,324 from the water marketing fund (709-00-2255-2100) of the Kansas water office to the state general fund.

(j) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,260,426 from the state water plan fund to the state

general fund: *Provided*, That the amount transferred from the state water plan fund to the state general fund pursuant to this subsection is to reimburse the state general fund for bond payments for the John Redmond reservoir dredging project.

(k) During the fiscal year ending June 30, 2022, the director of the Kansas water office shall certify to the director of accounts and reports the amount of moneys expended by the Kansas department of agriculture from the state general fund that is attributable to the administration of the state water plan storage act, K.S.A. 82a-1301 et seq., and amendments thereto, or the water assurance program act, K.S.A. 82a-1330 et seq., and amendments thereto: *Provided*, That upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the water marketing fund (709-00-2255-2100) of the Kansas water office to the state general fund: *Provided further*, That the director of the Kansas water office shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(l) During the fiscal year ending June 30, 2022, the director of the Kansas water office shall certify the amount of moneys in the Republican river water conservation projects – Colorado moneys fund and shall transmit such certification, along with the amount to be transferred, to the director of accounts and reports. Upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount specified by the director of the Kansas water office from the Republican river water conservation projects – Colorado moneys fund to the south fork Republican river water conservation projects fund: *Provided*, That the director of the Kansas water office shall transmit a copy of such certification to the director of the budget and to the director of legislative research.

Sec. 135.

#### KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

(a) On the effective date of this act, of the \$1,744,728 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 119(a) of chapter 5 of the 2020 Session Laws of Kansas from the state economic development initiatives fund in the operating expenditures account (710-00-1900-1910), the sum of \$1,142 is hereby lapsed.

(b) On the effective date of this act, of the \$1,598,719 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 119(a) of chapter 5 of the 2020 Session Laws of Kansas from the state economic development initiatives fund in the state parks operating expenditures account (710-00-1900-1920), the sum of \$2,415 is hereby lapsed.

(c) On the effective date of this act, of the \$36,342 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 119(a) of chapter 5 of the 2020 Session Laws of Kansas from the state economic development initiatives fund in the reimbursement for annual licenses issued to national guard members account (710-00-1900-1930), the sum of \$18,702 is hereby lapsed.

(d) On the effective date of this act, of the \$17,922 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 119(a) of chapter 5 of the 2020 Session Laws of Kansas from the state economic development initiatives fund in the reimbursement for annual park permits issued to national guard members account (710-00-1900-1940), the sum of \$9,747 is hereby lapsed.

(e) On the effective date of this act, of the \$69,827 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 119(a) of chapter 5 of the 2020 Session Laws of Kansas from the state economic development initiatives fund in the reimbursement for annual licenses issued to Kansas disabled veterans account (710-00-1900-1950), the sum of \$17,259 is hereby lapsed.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 155(f) of chapter 5 of the 2020 Session Laws of Kansas on the parks rehabilitation and repair projects account (710-00-2122-2066) of the parks fee fund of the Kansas department of wildlife, parks and tourism is hereby increased from \$1,205,000 to \$1,250,000.

Sec. 136.

KANSAS DEPARTMENT OF WILDLIFE AND PARKS

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (710-00-1900-1910).....\$1,829,733

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided, however*; That expenditures from this account for official hospitality shall not exceed \$1,000: *Provided further*; That, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account for fiscal year 2022, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2022 to include a provision on the calendar year 2022 applications for hunting licenses, fishing licenses and annual park permits for the applicant to make a voluntary contribution of \$2 or more to support the annual licenses issued to Kansas disabled veterans, annual licenses issued to Kansas national guard members, and annual park permits issued to Kansas national guard members: *And provided further*; That all moneys received as voluntary contributions to support the annual licenses issued to Kansas disabled veterans, annual licenses issued to Kansas national guard members, and annual park permits issued to Kansas national guard members shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the free licenses and permits fund.

State parks operating expenditures (710-00-1900-1920).....\$1,611,299

*Provided*, That any unencumbered balance in the state parks operating expenditures account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Reimbursement for annual licenses issued to national guard members (710-00-1900-1930).....\$36,342

*Provided*, That any unencumbered balance in the reimbursement for annual licenses issued to national guard members account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*; That all moneys in the reimbursement for annual licenses issued to national guard members account shall be expended to pay the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2022 to Kansas army or air national guard members, which licenses are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of

wildlife and parks therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to national guard members account to pay the wildlife fee fund for such licenses.

Reimbursement for annual park permits issued to national guard members (710-00-1900-1940).....\$17,922

*Provided*, That any unencumbered balance in the reimbursement for annual park permits issued to national guard members account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That all moneys in the reimbursement for annual park permits issued to national guard members account shall be expended to pay the parks fee fund for the cost of fees for annual park vehicle permits issued for the calendar year 2022 to Kansas army or air national guard members, which annual park vehicle permits are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife and parks therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual park permits issued to national guard members account to pay the parks fee fund for such permits: *Provided further*, That not more than one annual park vehicle permit per family shall be eligible to be paid from this account.

Reimbursement for annual licenses issued to Kansas disabled veterans (710-00-1900-1950).....\$69,827

*Provided*, That any unencumbered balance in the reimbursement for annual licenses issued to Kansas disabled veterans account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That all moneys in the reimbursement for annual licenses issued to Kansas disabled veterans account shall be expended to pay the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2022 to Kansas disabled veterans, which licenses are hereby authorized to be issued without charge to such veterans in accordance with policies and procedures prescribed by the secretary of wildlife and parks therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to Kansas disabled veterans account to pay the wildlife fee fund for such licenses: *Provided, however*, That to qualify for such license without charge, the resident disabled veteran shall have been separated from the armed services under honorable conditions, have a disability certified by the Kansas commission on veterans affairs as being service connected and such service-connected disability is equal to or greater than 30%: *And provided further*, That no other hunting or fishing licenses or permits shall be eligible to be paid from this account.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Wildlife fee fund (710-00-2300-2890).....\$34,732,891

*Provided*, That additional expenditures may be made from the wildlife fee fund for fiscal year 2022 for the purposes of compensating federal aid program expenditures, if necessary, in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the wildlife fee fund for fiscal year 2022: *And provided further*, That the secretary of

wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate: *And provided further*; That expenditures from the wildlife fee fund for official hospitality shall not exceed \$4,000.

Parks fee fund (710-00-2122-2053).....\$10,752,461

*Provided*, That additional expenditures may be made from the parks fee fund for fiscal year 2022 for the purposes of compensating federal aid program expenditures, if necessary, in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*; That all such expenditures shall be in addition to any expenditure limitation imposed upon the parks fee fund for fiscal year 2022: *And provided further*; That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate.

Boating fee fund (710-00-2245-2813).....\$1,221,474

*Provided*, That additional expenditures may be made from the boating fee fund for fiscal year 2022 for the purposes of compensating federal aid program expenditures, if necessary, in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*; That all such expenditures shall be in addition to any expenditure limitation imposed upon the boating fee fund for fiscal year 2022: *And provided further*; That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate.

Central aircraft fund (710-00-6145-6100).....No limit

*Provided*, That expenditures may be made by the above agency from the central aircraft fund for aircraft operating expenditures, for aircraft maintenance and repair, to provide aircraft services to other state agencies and for the purchase of state aircraft insurance: *Provided further*; That the secretary of wildlife and parks is hereby authorized to fix, charge and collect fees for the provision of aircraft services to other state agencies: *And provided further*; That such fees shall be fixed to recover all or part of the operating expenditures incurred in providing such services: *And provided further*; That all fees received for such services shall be credited to the central aircraft fund.

Department access roads fund (710-00-2178-2761).....\$1,702,547

Wildlife and parks nonrestricted fund (710-00-2065-2120).....No limit

Prairie spirit rails-to-trails fee fund (710-00-2025-2030).....No limit

Plant and animal disease and pest control fund (710-00-3360-3361).....No limit

Nongame wildlife improvement fund (710-00-2593-3300).....No limit

Wildlife conservation fund (710-00-2100-2020).....No limit

Federally licensed wildlife areas fund (710-00-2670-3400).....No limit

State agricultural production fund (710-00-2050-5100).....No limit

Land and water conservation fund – state (710-00-3794-3920).....No limit

Land and water conservation fund – local (710-00-3794-3795).....No limit

Development and promotions fund (710-00-2097-2010).....No limit

Department of wildlife and parks private gifts and donations fund (710-00-7335-7000).....No limit

Fish and wildlife restitution fund (710-00-2166-2750).....No limit

Parks restitution fund (710-00-2156-2100).....No limit

Nonfederal grants fund (710-00-2063-2090).....No limit

Disaster grants – public assistance fund (710-00-3005-3005).....No limit

Soil/water conservation fund (710-00-3083-3083).....	No limit
Navigation projects fund (710-00-3191-3191).....	No limit
Recreation resource management fund (710-00-3197-3197).....	No limit
Cooperative endangered species conservation fund (710-00-3198-3198).....	No limit
Landowner incentive program fund (710-00-3200-3210).....	No limit
Bulletproof vest partnership fund (710-00-3216-3216).....	No limit
Recreational trails program fund (710-00-3238-3238).....	No limit
Highway planning/construction fund (710-00-3333-3333).....	No limit
Americorps – ARRA fund (710-00-3404-3405).....	No limit
Cooperative forestry assistance fund (710-00-3426-3426).....	No limit
North America wetland conservation fund (710-00-3453-3453).....	No limit
Wildlife services fund (710-00-3485-3485).....	No limit
Fish/wildlife management assistance fund (710-00-3495-3495).....	No limit
Fish/wildlife core act fund (710-00-3513-3513).....	No limit
Great plains LCC.....	No limit
USDA grant manual update.....	No limit
Watershed protection/flood prevention fund (710-00-3906-3906).....	No limit
Suspense fund (710-00-9159-9000).....	No limit
Employee maintenance deduction	
clearing fund (710-00-9120-9100).....	No limit
Cabin revenue fund (710-00-2668-2660).....	No limit
Feed the hungry fund (710-00-2642-2640).....	No limit
State wildlife grants fund (710-00-3204-3204).....	No limit
Boating safety financial assistance fund (710-00-3251-3250).....	No limit
Wildlife restoration fund (710-00-3418-3418).....	No limit
Sport fish restoration fund (710-00-3490-3490).....	No limit
Outdoor recreation acquisition, development and	
planning fund (710-00-3794-3794).....	No limit
Publication and other sales fund (710-00-2399-2399).....	No limit
<i>Provided</i> , That in addition to other purposes for which expenditures may be made by the above agency from moneys appropriated from the publication and other sales fund for fiscal year 2022, expenditures may be made from such fund for the purpose of compensating federal aid program expenditures, if necessary, in order to comply with the requirements established by the United States fish and wildlife service for utilization of federal aid funds: <i>Provided further</i> , That all such expenditures shall be in addition to any expenditures made from the publication and other sales fund for fiscal year 2022: <i>And provided further</i> , That the secretary of wildlife and parks shall report all such expenditures to the governor and legislature as appropriate.	
Free licenses and permits fund (710-00-2493-2493).....	No limit
Enforce underage drinking law fund (710-00-3219-3219).....	No limit
Migratory bird monitoring (710-00-3504-3504).....	No limit
Voluntary public access (710-00-3557-3557).....	No limit
Energy efficiency/conservation block grant fund (710-00-3157-3157).....	No limit
Endangered species – recovery fund (710-00-3209-3209).....	No limit
Wetlands reserve program fund (710-00-3007-3060).....	No limit
Adaptive science fund (710-00-3015-3050).....	No limit
(c) During the fiscal year ending June 30, 2022, in addition to the other purposes	

for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022, from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures may be made by the above agency from such moneys appropriated from any special revenue fund or funds for fiscal year 2022, from which expenditures may be made for salaries and wages, for progression within the existing pay structure for natural resource officers of the Kansas department of wildlife and parks: *Provided, however;* That notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, the secretary of wildlife and parks shall not require such officer to transfer into the unclassified service in order to progress within the existing pay structure pursuant to this subsection.

(d) Notwithstanding the provisions of K.S.A. 2020 Supp. 32-9,100, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the Kansas department of wildlife and parks from moneys appropriated from the wildlife fee fund (710-00-2300-2880) of the Kansas department of wildlife and parks for the fiscal year ending June 30, 2022, by this or any other appropriation act of the 2021 regular session of the legislature, expenditures may be made by the above agency from such moneys during fiscal year 2022 to issue senior lifetime hunting and fishing licenses to Kansas resident disabled veterans who are 65 years of age or older: *Provided,* That such licenses are hereby authorized to be issued without charge to such veterans in accordance with policies and procedures prescribed by the secretary of wildlife and parks: *Provided further;* That to qualify for such license without charge, the resident disabled veteran shall have been separated from the armed services under honorable conditions and have a disability certified by the Kansas commission on veterans affairs office as being service-related and such service-connected disability is equal to or greater than 30%.

(e) On July 1, 2021, the wildlife, parks and tourism nonrestricted fund (710-00-2065-2120) of the Kansas department of wildlife and parks is hereby redesignated as the wildlife and parks nonrestricted fund of the Kansas department of wildlife and parks.

Sec. 137.

DEPARTMENT OF TRANSPORTATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2021, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Driver's education scholarship grant fund (276-00).....No limit
- Transportation technology development fund (276-00-2835-2835).....No limit
- Broadband infrastructure construction grant fund (276-00-2836-2836).....No limit
- Short line rail improvement fund (276-00-2837-2837).....No limit

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$100,000 from the state highway fund of the department of transportation to the driver's education scholarship grant fund (276-00) of the department of transportation. The secretary is hereby authorized to transfer additional moneys to the driver's education scholarship grant fund from the

state highway fund, and moneys from the driver's education scholarship grant fund to the state highway fund.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 120(a) of chapter 5 of the 2020 Session Laws of Kansas on the county equalization and adjustment fund (276-00-4210-4210) of the department of transportation is hereby increased from \$2,500,000 to \$2,510,094.

Sec. 138.

DEPARTMENT OF TRANSPORTATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- State highway fund (276-00-4100-4100) .....No limit  
*Provided*, That no expenditures may be made from the state highway fund other than for the purposes specifically authorized by this or other appropriation act.
- Special city and county highway fund (276-00-4220-4220) .....No limit
- County equalization and adjustment fund (276-00-4210-4210).....\$2,500,000
- Highway special permits fund (276-00-2576-2576).....\$0
- Highway bond debt service fund (276-00-4707-9000).....No limit
- Rail service improvement fund (276-00-2008-2100).....No limit
- Transportation revolving fund (276-00-7511-1000).....No limit
- Rail service assistance program loan guarantee fund (276-00-7502-7200).....No limit
- Railroad rehabilitation loan guarantee fund (276-00-7503-7500).....No limit  
*Provided*, That expenditures from the railroad rehabilitation loan guarantee fund shall not exceed the amount that the secretary of transportation is obligated to pay during the fiscal year ending June 30, 2022, in satisfaction of liabilities arising from the unconditional guarantee of payment that was entered into by the secretary of transportation in connection with the mid-states port authority federally taxable revenue refunding bonds, series 1994, dated May 1, 1994, authorized by K.S.A. 12-3420, and amendments thereto, and guaranteed pursuant to K.S.A. 75-5031, and amendments thereto.
- Interagency motor vehicle fuel sales fund (276-00-2298-2400).....No limit  
*Provided*, That expenditures may be made from the interagency motor vehicle fuel sales fund to provide and sell motor vehicle fuel to other state agencies: *Provided further*; That the secretary of transportation is hereby authorized to fix, charge and collect fees for motor vehicle fuel sold to other state agencies: *And provided further*; That such fees shall be fixed in order to recover all or part of the expenses incurred in providing motor vehicle fuel to other state agencies: *And provided further*; That all fees received for such sales of motor vehicle fuel shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the interagency motor vehicle fuel sales fund.
- Coordinated public transportation assistance fund (276-00-2572-0300).....No limit
- Public use general aviation airport development fund (276-00-4140-4140).....No limit
- Highway bond proceeds fund (276-00-4109-4110).....No limit
- Communication system revolving fund (276-00-7524-7700).....No limit
- Traffic records enhancement fund (276-00-2356-2000).....No limit

Other federal grants fund (276-00-3122-3100).....	No limit
Kansas intermodal transportation revolving fund (276-00-7552-7551).....	No limit
Conversion of materials and equipment fund (276-00-2256-2256).....	No limit
Seat belt safety fund (276-00-2216-2216).....	No limit
Driver's education scholarship grant fund (276-00).....	No limit
Transportation technology development fund (276-00-2835-2835).....	No limit
Broadband infrastructure construction grant fund (276-00-2836-2836).....	No limit
Short line rail improvement fund (276-00-2837-2837).....	No limit

(b) Expenditures may be made by the above agency for the fiscal year ending June 30, 2022, from the state highway fund (276-00-4100-4100) for the following specified purposes: *Provided*, That expenditures from the state highway fund for fiscal year 2022, other than refunds authorized by law for the following specified purposes, shall not exceed the limitations prescribed therefor as follows:

Agency operations (276-00-4100-0403).....	\$283,051,550
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*Provided*, That expenditures from the agency operations account of the state highway fund for official hospitality by the secretary of transportation shall not exceed \$5,000: *Provided further*, That expenditures may be made from this account for engineering services furnished to counties for road and bridge projects under K.S.A. 68-402e, and amendments thereto.

Conference fees (276-00-4100-2200).....	No limit
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*Provided*, That the secretary of transportation is hereby authorized to fix, charge and collect conference, training and workshop attendance and registration fees for conferences, training seminars and workshops sponsored or cosponsored by the department: *Provided further*, That such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the conference fees account of the state highway fund: *And provided further*, That expenditures may be made from this account to defray all or part of the costs of the conferences, training seminars and workshops.

Substantial maintenance (276-00-4100-0700).....	No limit
Claims (276-00-4100-1150).....	No limit
Payments for city connecting links (276-00-4100-6200).....	\$5,360,000
Federal local aid programs (276-00-4100-3000).....	No limit
Bond services fees (276-00-4100-0580).....	No limit
Other capital improvements (276-00-4100-8075).....	No limit

*Provided*, That the secretary of transportation is authorized to make expenditures from the other capital improvements account to undertake a program to assist cities and counties with railroad crossings of roads not on the state highway system.

(c) (1) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund (276-00-4100-4100) for fiscal year 2022, expenditures may be made by the above agency from the following capital improvement account or accounts of the state highway fund for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Buildings – rehabilitation and repair (276-00-4100-8005).....	\$4,100,000
Buildings – reroofing (276-00-4100-8010).....	\$771,178
Buildings – other construction, renovation and repair (276-00-4100-8070).....	\$10,090,284

Buildings – purchase land (276-00-4100-8065).....\$45,000

(2) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund (276-00-4100-4100) for fiscal year 2022, expenditures may be made by the above agency from the state highway fund for fiscal year 2022 from the unencumbered balance as of June 30, 2021, in each capital improvement project account for a building or buildings in the state highway fund for one or more projects approved for prior fiscal years: *Provided*, That all expenditures from the unencumbered balance in any such project account of the state highway fund for fiscal year 2022 shall not exceed the amount of the unencumbered balance in such project account on June 30, 2021, subject to the provisions of subsection (d): *Provided further*; That all expenditures from any such project account shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2022.

(d) During the fiscal year ending June 30, 2022, the secretary of transportation, with the approval of the director of the budget, may transfer any part of any item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2022 from the state highway fund (276-00-4100-4100) for the department of transportation to another item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2022 from the state highway fund for the department of transportation: *Provided*, That the secretary of transportation shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) On April 1, 2022, the director of accounts and reports shall transfer from the motor pool service fund (173-00-6109-4020) of the department of administration to the state highway fund (276-00-4100-4100) of the department of transportation an amount determined to be equal to the sum of the annual vehicle registration fees for each vehicle owned or leased by the state or any state agencies in accordance with K.S.A. 75-4611, and amendments thereto.

(f) During the fiscal year ending June 30, 2022, upon notification from the secretary of transportation that an amount is due and payable from the railroad rehabilitation loan guarantee fund (276-00-7503-7500), the director of accounts and reports shall transfer from the state highway fund (276-00-4100-4100) to the railroad rehabilitation loan guarantee fund the amount certified by the secretary as due and payable.

(g) Any payment for services during the fiscal year ending June 30, 2022, from the state highway fund (276-00-4100-4100) to other state agencies shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2022.

(h) On July 1, 2021, October 1, 2021, January 1, 2022, and April 1, 2022, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer \$16,712,500 from the state highway fund (276-00-4100-4100) of the department of transportation to the state general fund: *Provided*, That the transfer of each such amount shall be in addition to any other transfer from the state highway fund of the department of transportation to the state general fund as prescribed by law: *Provided further*; That, in addition to other purposes for which transfers and expenditures may be made from the state highway fund during fiscal year 2022 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers may be made from the state highway fund to the state general fund under this subsection during fiscal year 2022.

(i) Notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, for the fiscal year ending June 30, 2022, the secretary of transportation shall apportion and distribute quarterly, on the first day of January, April, July and October, to cities on the state highway system from the state highway fund moneys at the rate of \$5,000 per year per lane per mile for the maintenance of streets and highways in cities designated by the secretary as city connecting links: *Provided*, That all moneys so distributed shall be used solely for the maintenance of city connecting links: *Provided further*, That such apportionment shall apply only to those city connecting link lanes maintained by the city, and shall not apply to city connecting link lanes maintained by the secretary pursuant to agreement with the city: *And provided further*, That, as used in this subsection, "lane" means the portion of the roadway for use of moving traffic of a standard width prescribed by the secretary.

(j) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$100,000 from the state highway fund (276-00-4100-4100) of the department of transportation to the driver's education scholarship grant fund (276-00) of the department of transportation: *Provided*, That the secretary of transportation is hereby authorized to transfer additional moneys from the state highway fund to the driver's education scholarship grant fund during the fiscal year ending June 30, 2022: *Provided further*, That the secretary shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 139. In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2022, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2022 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by K.S.A. 46-137a(c), and amendments thereto, an aggregate amount of allowance: (a) Equal to \$354.15 for the two-week period that coincides with the first biweekly payroll period, which is chargeable to fiscal year 2022 and for each of the 14 ensuing two-week periods thereafter; and (b) equal to \$354.15 for the two-week period that coincides with the biweekly payroll period, which includes March 20, 2022, which is chargeable to fiscal year 2022 and for each of the four ensuing two-week periods thereafter, for each member of the legislature to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, which are chargeable to fiscal year 2022, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*, That all expenditures under this section for such purposes shall be made otherwise in the same manner that such allowance is payable to such members of the legislature for such two-week periods, for which such allowance is payable in accordance with this section and which are chargeable to fiscal year 2022.

Sec. 140. (a) (1) In addition to the other purposes for which expenditures may be made by any state agency named in this or other appropriation act of the 2021 regular session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2022 as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be

made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2022 to implement and accomplish the following objectives on or before October 1, 2021, pursuant to K.S.A. 75-3718b, and amendments thereto:

(A) A program service inventory. Such inventory shall include, but not be limited to, the following:

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

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

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

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

(v) state matching or other federal financial requirements;

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

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

(B) An integrated budget fiscal process. Such process shall institute common accounting procedures consistent with budget development, budget approval, budget submission, through actual expenditures by fund.

(C) A performance based budgeting system. Such budgeting system shall include, but not be limited to, the following:

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

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

(2) On or before November 15, 2021, the division of post audit shall review each state agency's program service inventory, integrated budget fiscal process and performance based budgeting system and shall determine and certify whether such state agency is or is not meeting such objectives. If the legislative post auditor certifies that a state agency has not met the objectives, the legislative post auditor shall send a copy of such certification noting that the state agency has not met the objectives to the director of accounts and reports. Upon receipt of such certification, the director of accounts and reports shall lapse an amount equal to 2% of moneys appropriated or reappropriated for such state agency for the fiscal year ending June 30, 2022, by this or other appropriation act of the 2021 regular session of the legislature from the state general fund. At the same time that any certification is made by the legislative post auditor to the director of accounts and reports under this section, the legislative post auditor shall deliver a copy of such certification to the director of the budget and director of legislative research.

(b) (1) In addition to the other purposes for which expenditures may be made by any state agency named in this or other appropriation act of the 2021 or 2022 regular session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2023 as authorized by this or other appropriation act of the 2021 or 2022 regular session of the legislature, expenditures shall be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2023 to implement and accomplish the following objectives on or before October 1, 2022, pursuant to K.S.A. 75-3718b, and amendments thereto:

(A) A program service inventory. Such inventory shall include, but not be limited

to, the following:

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

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

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

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

(v) state matching or other federal financial requirements;

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

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

(B) An integrated budget fiscal process. Such process shall institute common accounting procedures consistent with budget development, budget approval, budget submission, through actual expenditures by fund.

(C) A performance based budgeting system. Such budgeting system shall include, but not be limited to, the following:

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

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

(2) On or before November 15, 2022, the division of post audit shall review each state agency's program service inventory, integrated budget fiscal process and performance based budgeting system and shall determine and certify whether such state agency is or is not meeting such objectives. If the legislative post auditor certifies that a state agency has not met the objectives, the legislative post auditor shall send a copy of such certification noting that the state agency has not met the objectives to the director of accounts and reports. Upon receipt of such certification, the director of accounts and reports shall lapse an amount equal to 2% of moneys appropriated or reappropriated for such state agency for the fiscal year ending June 30, 2023, by this or other appropriation act of the 2021 or 2022 regular session of the legislature from the state general fund. At the same time that any certification is made by the legislative post auditor to the director of accounts and reports under this section, the legislative post auditor shall deliver a copy of such certification to the director of the budget and director of legislative research.

(c) The following items are exempt from and shall not be lapsed pursuant to this section:

(1) Any item of appropriation or reappropriation from the state general fund for fiscal year 2022 or fiscal year 2023 for debt service for payments made pursuant to contractual bond obligations;

(2) any item of appropriation or reappropriation from the state general fund for fiscal year 2022 or fiscal year 2023 for the Kansas department for children and families, division of health care finance of the department of health and environment, department of corrections or the Kansas department for aging and disability services that are required to meet caseload obligations under the state medicaid plan, including general medical expenditures under KanCare and non-KanCare expenditures included in the consensus caseload estimating process or for the Kansas department for children and families to meet caseload obligations for temporary assistance for needy families, foster care and reintegration services contracts or adoption services contracts, as certified by

the director of the budget to the director of accounts and reports for the purposes of this subsection; and

(3) any item of appropriation or reappropriation from the state general fund for fiscal year 2022 or fiscal year 2023 for a postsecondary educational institution that has implemented the performance agreement pursuant to K.S.A. 74-3202d, and amendments thereto.

Sec. 141. During the fiscal years ending June 30, 2021, and June 30, 2022, after March 31, 2021, no state agency named in this or other appropriation act of the 2021 regular session of the legislature shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2021 and 2022 as authorized by chapter 5 of the 2020 Session Laws of Kansas, this or other appropriation act of the 2021 regular session of the legislature for the purposes of issuing or enforcing a statewide mask mandate unless the legislature expressly consents to, and approves of, a statewide mask mandate by an act of the legislature.

Sec. 142. (a) In addition to the other purposes for which expenditures may be made by any state agency named in this or other appropriation act of the 2021 regular session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures are hereby authorized and directed to be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 to enroll and actively participate in e-verify for verification of employment eligibility of all employees whose employment commences after January 1, 2022.

(b) During the fiscal year ending June 30, 2022, no state agency named in this or other appropriation act of the 2021 regular session of the legislature shall expend moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 as authorized by this or other appropriation act of the 2021 regular session of the legislature for such state agency as authorized by this or other appropriation act of the 2021 regular session of the legislature to:

(1) Award either a public works or a purchase contract for goods or services having a value of at least \$50,000 to a bidder, contractor or employer unless such bidder, contractor or employer verifies the employment eligibility of the employees of such bidder, contractor or employer through e-verify;

(2) authorize a bidder, contractor or employer to be eligible to bid for or receive either a public works contract or a purchase contract having a value of at least \$50,000 from any such state agency unless such bidder, contractor or employer certifies that such bidder, contractor or employer verifies the employment eligibility of the employees of such bidder, contractor or employer through e-verify; or

(3) authorize such bidder, contractor or employer who bids on or receives a contract referenced in either paragraph (1) or (2) to bid or receive a contract prior to ensuring that any subcontractor used by the bidder, contractor or employer in the performance of the public works contract or purchase contract having a value of at least \$50,000 certifies the employment eligibility of the employees of such subcontractor through e-verify.

(c) In addition to the other purposes for which expenditures may be made by any state agency named in this or other appropriation act of the 2021 or 2022 regular session

of the legislature from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023 as authorized by this or other appropriation act of the 2021 or 2022 regular session of the legislature, expenditures are hereby authorized and directed to be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023 to enroll and actively participate in e-verify for verification of employment status of all employees whose employment commences during fiscal year 2023.

(d) During the fiscal year ending June 30, 2023, no state agency named in this or other appropriation act of the 2021 or 2022 regular session of the legislature shall expend moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023 as authorized by this or other appropriation act of the 2021 or 2022 regular session of the legislature for such state agency as authorized by this or other appropriation act of the 2021 or 2022 regular session of the legislature to:

(1) Award either a public works or a purchase contract for goods or services having a value of at least \$50,000 to a bidder, contractor or employer unless such bidder, contractor or employer verifies the employment eligibility of the employees of such bidder, contractor or employer through e-verify;

(2) authorize a bidder, contractor or employer to be eligible to bid for or receive either a public works contract or a purchase contract having a value of at least \$50,000 from any such state agency unless such bidder, contractor or employer certifies that such bidder, contractor or employer verifies the employment eligibility of the employees of such bidder, contractor or employer through e-verify; or

(3) authorize such bidder, contractor or employer who bids on or receives a contract referenced in either paragraph (1) or (2) to bid or receive a contract prior to ensuring that any subcontractor used by the bidder, contractor or employer in the performance of the public works contract or purchase contract having a value of at least \$50,000 certifies the employment eligibility of the employees of such subcontractor through e-verify.

(e) As used in this section:

(1) "Employee" means any person who performs employment services for an employer pursuant to an employment relationship between the employee and the employer.

(2) "Employer" means any individual or type of organization that transacts business in this state and that employs one or more individuals who perform employment services in this state.

(3) "E-verify" means an electronic system jointly administered by the United States department of homeland security and the social security administration or its successor program, pursuant to 8 U.S.C. § 1324a, that is used to verify the employment authorization of employees.

Sec. 143. During the fiscal years ending June 30, 2021, and June 30, 2022, on the effective date of this act, no state agency named in this or other appropriation act of the 2021 regular session of the legislature shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2021 and 2022 as authorized by chapter 5 of the 2020 Session Laws of Kansas, this or other appropriation act of the 2021 regular session of the legislature for the purposes of issuing a request for proposal, continuing the process of any previously issued request

for proposal or entering into a contract or agreement with any party to make any changes, improvements or upgrades to the technology infrastructure for claims, benefits and system integrity or to the methods for information and data sharing concerning Kansas unemployment benefits unless: (1) The unemployment compensation modernization and improvement council, created by 2021 Senate Substitute for Substitute for House Bill No. 2196, has reviewed any such request for proposal, contract or agreement and made a recommendation to the legislative coordinating council; and (2) the legislative coordinating council has authorized such state agency to proceed with the request for proposal, enter into an agreement or contract and make expenditures therefor. Such authorizations may be approved by the members of the legislative coordinating council, as provided in K.S.A. 46-1202, and amendments thereto, acting on this matter, which is hereby characterized as a matter of legislative delegation, except that such authorizations, disbursements and expenditures may also be approved while the legislature is in session. The legislative coordinating council is hereby authorized to approve the requests for such purposes. Upon receipt of such approval by the legislative coordinating council, the requesting state agency is authorized to expend all approved moneys lawfully credited to and available in such fund or funds during the fiscal years ending June 30, 2021, and June 30, 2022.

Sec. 144. During the fiscal year ending June 30, 2021, the director of the Kansas water office may transfer any part of any item of appropriation for fiscal year 2021 from the state water plan fund for the Kansas water office to any item of appropriation for fiscal year 2021 from the state water plan fund for the Kansas department of agriculture or the department of health and environment – division of environment: *Provided*, That the director of the Kansas water office shall certify each such transfer to the director of accounts and reports and upon receipt of such certification, the director of accounts and reports shall transfer such certified amount to the certified item of appropriation: *Provided further*; That when the director of the Kansas water office provides certification to the director of accounts and reports under this section, the director shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 145.

STATE FINANCE COUNCIL

(a) On the effective date of this act, the director of accounts and reports shall transfer \$17,500,000 from the coronavirus prevention fund of the state finance council to the state general fund.

Sec. 146.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, for the capital improvement project or projects specified, the following:

Rehabilitation and repair for state facilities (173-00-1000-8500).....	\$3,449,493
<i>Provided</i> , That any unencumbered balance in the rehabilitation and repair for state facilities account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.	
National bio and agro-defense facility – debt service (173-00-1000-0460).....	\$20,725,350

John Redmond reservoir debt service (173-00-1000-0461).....	\$1,674,750
University of Kansas medical education building debt service (173-00-1000-0462).....	\$1,862,750
Debt service refunding – 2015A (173-00-1000-0463).....	\$23,203,550
Debt service refunding – 2016H (173-00-1000-0464).....	\$6,288,000
Debt service refunding – 2019F/G (173-00-1000-0460).....	\$3,526,966

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Veterans memorial fund (173-00-7253-7250).....	No limit
State facilities gift fund (173-00-7263-7290).....	No limit
Master lease program fund (173-00-8732).....	No limit
State buildings depreciation fund (173-00-6149-4500).....	No limit
Executive mansion gifts fund (173-00-7257-7270).....	No limit
Topeka state hospital cemetery memorial gift fund (173-00-7337-7240).....	No limit
Capitol area plaza authority planning fund (173-00-7121-7035).....	No limit

*Provided*, That the secretary of administration may accept gifts, donations and grants of money, including payments from local units of city and county government, for the development of a new master plan for the capitol plaza and the state zoning area described in K.S.A. 75-3619, and amendments thereto: *Provided further*, That all such gifts, donations and grants shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the capitol area plaza authority planning fund.

Statehouse debt service – state highway fund (173-00-2861-2861).....No limit

*Provided*, That on September 1, 2021, or as soon thereafter each such date as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$2,348,000 from the state highway fund of the department of transportation to the statehouse debt service – state highway fund of the department of administration.

Debt service refunding – 2019F/G –  
state highway fund (173-00-2823-2823).....No limit

*Provided*, That on September 1, 2021, and February 1, 2022, or as soon thereafter each such date as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$1,530,159 from the state highway fund of the department of transportation to the debt service refunding – 2019F/G – state highway fund of the department of administration.

Debt service refunding – 2020R – state highway fund (173-00).....No limit

*Provided*, That on September 1, 2021, and February 1, 2022, or as soon thereafter each such date as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$7,580,475 from the state highway fund of the department of transportation to the debt service refunding – 2020R – state highway fund of the department of administration.

Debt service refunding – 2020S – state highway fund (173-00).....No limit  
*Provided*, That on September 1, 2021, or as soon thereafter each such date as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$775,600 from the state highway fund of the department of transportation to the debt service refunding – 2020S – state highway fund of the department of administration.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 2022, expenditures may be made by the above agency from the following capital improvement account or accounts of the building and ground fund (173-00-2028) for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parking improvements and repair (173-00-2028-2085).....No limit

(d) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund (173-00-6149) for fiscal year 2022, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings depreciation fund for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

State of Kansas facilities projects – debt service (173-00-6149-4520).....No limit

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the state buildings depreciation fund for fiscal year 2022.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings operating fund (173-00-6148) for fiscal year 2022, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings operating fund for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Eisenhower building purchase and renovation – debt service (173-00-6148-4610).....No limit

(f) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund (173-00-2028), the state buildings depreciation fund (173-00-6149), and the state buildings operating fund (173-00-6148) for fiscal year 2022, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2022 from the unencumbered balance as of June 30, 2021, in each existing capital improvement account of each such special revenue fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2021: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on each such special revenue fund for fiscal year 2022 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2022.

Sec. 147.

DEPARTMENT OF COMMERCE

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

above agency from the reimbursement and recovery fund (300-00-2275) for fiscal year 2022, expenditures may be made by the above agency from the following capital improvement account or accounts of the reimbursement and recovery fund during the fiscal year 2022, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- Debt service – 1430 Topeka facilities (300-00-2275-2297).....\$133,228
- Rehabilitation and repair (300-00-2275-2410).....No limit

(b) In addition to the other purposes for which expenditures may be made by the above agency from the Wagner Peyser employment services – federal fund (300-00-3275) for fiscal year 2022, expenditures may be made by the above agency from the following capital improvement account or accounts of the Wagner Peyser employment services – federal fund during the fiscal year 2022, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- Rehabilitation and repair (300-00-3275-3272).....No limit
- Sec. 148.

KANSAS DEPARTMENT FOR  
AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2022, for the capital improvement project or projects specified, the following:

- Rehabilitation and repair projects (039-00-8100-8240).....\$3,201,142

*Provided*, That the secretary for aging and disability services is hereby authorized to transfer moneys during fiscal year 2022 from the rehabilitation and repair projects account to a rehabilitation and repair account for any institution, as defined by K.S.A. 76-12a01, and amendments thereto, for projects approved by the secretary for aging and disability services: *Provided further*; That expenditures also may be made from this account during fiscal year 2022 for the purposes of rehabilitation and repair for facilities of the Kansas department for aging and disability services other than any institution, as defined by K.S.A. 76-12a01, and amendments thereto.

- Debt service – state hospitals
- rehabilitation and repair (039-00-8100-8325).....\$2,588,200
- Video surveillance system (410-00-8100).....\$430,000
- Larned state hospital – city of Larned
- wastewater treatment (410-00-8100-8300).....\$129,620

*Provided*, That notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, expenditures may be made by the above agency from the Larned state hospital – city of Larned wastewater treatment account of the state institutions building fund for payment of Larned state hospital's portion of the city of Larned's wastewater treatment system.

Sec. 149.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Employment security administration property

sale fund (296-00-3336-3110).....No limit

*Provided*, That the secretary of labor is hereby authorized to make expenditures from the employment security administration property sale fund during fiscal year 2022 for the unemployment insurance program: *Provided, however*; That no expenditures shall be made from this fund for the proposed purchase or other acquisition of additional real estate to provide space for the unemployment insurance program of the department of labor until such proposed purchase or other acquisition, including the preliminary plans and program statement for any capital improvement project that is proposed to be initiated and completed by or for the department of labor have been reviewed by the joint committee on state building construction.

(b) In addition to the other purposes for which expenditures may be made by the department of labor from moneys appropriated from any special revenue fund or funds for fiscal year 2022 as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2022 from the moneys appropriated from any special revenue fund for the expenses of the sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor: *Provided*, That such expenditures may be made and such sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor may be executed or otherwise effectuated only upon specific authorization by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, and acting after receiving the recommendations of the joint committee on state building construction: *Provided, however*; That no such sale, exchange or other disposition conveying title for any portion of the real estate of the department of labor shall be executed until the proposed sale, exchange or other disposition conveying title for such real estate has been reviewed by the joint committee on state building construction: *Provided further*; That the net proceeds from the sale of any of the real estate of the department of labor shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the employment security administration property sale fund of the department of labor: *And provided further*; That expenditures from the employment security administration property sale fund shall not exceed the limitation established for fiscal year 2022 by this or other appropriation act of the 2021 regular session of the legislature except upon approval of the state finance council.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security fund (296-00-2120) for fiscal year 2022, expenditures may be made by the above agency from the special employment security fund for fiscal year 2022 for the following capital improvement projects: Payment of debt service on revenue bonds issued to finance remodeling of the 401 S. Topeka building: *Provided*, That expenditures from the special employment security fund (296-00-2120-2020) for fiscal year 2022 for such capital improvement purposes shall not exceed \$183,749: *Provided further*; That all expenditures from this fund for any such capital improvement purpose shall be in addition to any expenditure limitations imposed on the special employment security fund for fiscal year 2022.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the workmen's compensation fee fund (296-00-2124) for fiscal year

2022, expenditures may be made by the above agency from the workmen's compensation fee fund for fiscal year 2022 for the following capital improvement projects: (1) Payment of debt service on revenue bonds issued to finance remodeling of the 401 S. Topeka building: *Provided*, That expenditures from the workmen's compensation fee fund (296-00-2124-2227) for fiscal year 2022 for such capital improvement purposes shall not exceed \$98,942; and (2) payment of rehabilitation and repair projects: *Provided*, That expenditures from the workmen's compensation fee fund (296-00-2124-2228) for fiscal year 2022 for such capital improvement purposes shall not exceed \$1,025,000.

Sec. 150.

KANSAS COMMISSION ON  
VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, for the capital improvement project or projects specified, the following:

Veterans cemetery program rehabilitation and repair projects (694-00-1000-0904).....\$111,900

*Provided*, That any unencumbered balance in the veterans cemetery program rehabilitation and repair projects account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2022, for the capital improvement project or projects specified, the following:

Soldiers' home rehabilitation and repair projects (694-00-8100-7100).....\$749,542  
Veterans' home rehabilitation and repair projects (694-00-8100-8250).....\$1,028,750

Sec. 151.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2022, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (604-00-8100-8108).....\$530,930  
Security system upgrade project (604-00-8100-8130).....\$137,756  
Campus boilers and HVAC upgrades (604-00-8100-8145).....\$250,330

Sec. 152.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2022, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (610-00-8100-8108).....\$480,777  
Campus boilers and HVAC upgrades (610-00-8100-8145).....\$529,200  
Campus life safety and security (610-00-8100-8130).....\$182,595

Sec. 153.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Rehabilitation and repair projects (288-00-1000-8088).....\$450,000

*Provided*, That any unencumbered balance in the rehabilitation and repair projects

account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the private gifts, grants and bequests fund (288-00-7302) for fiscal year 2022, expenditures may be made by the above agency from the following capital improvement account or accounts of the private gifts, grants and bequests fund for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair projects.....No limit

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the private gifts, grants and bequests fund for fiscal year 2022.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the historical preservation grant in aid fund (288-00-3089) for fiscal year 2022, expenditures may be made by the above agency from the following capital improvement account or accounts of the historical preservation grant in aid fund for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair projects.....No limit

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the historical preservation grant in aid fund for fiscal year 2022.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the private gifts, grants and bequests fund, historic properties fee fund, state historical facilities fund, save America's treasures fund, historical society capital improvement fund, law enforcement memorial fund and historical preservation grant in aid fund for fiscal year 2022, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2022 from the unencumbered balance as of June 30, 2021, in each existing capital improvement account of each such special revenue fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2021: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on each such special revenue fund for fiscal year 2022 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2022.

Sec. 154.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Memorial union project – debt service 2010J (379-00-5161-5040).....No limit

Student housing projects – debt service 2017D (379-00-5169-5050).....No limit

Twin towers housing project – debt service 2017D (379-00-5120-5030).....No limit

Parking maintenance projects (379-00-5186-5060).....No limit

Rehabilitation and repair projects (379-00-2526-2040).....No limit

Rehabilitation and repair projects (379-00-2069-2010).....No limit  
 Student housing projects (379-00-5650-5120).....No limit  
 Deferred maintenance projects (379-00-2485-2485).....No limit

(b) During the fiscal year ending June 30, 2022, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2021 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2020.

Sec. 155.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Lewis field renovation – debt service 2016B (246-00-5150-5180).....No limit  
 Memorial union renovation – debt service 2016B (246-00-5102-5010).....No limit  
 Memorial union addition – debt service (246-00-2510-2040).....No limit  
 Memorial union project (246-00-2510-2040).....No limit  
 Energy conservation – debt service (246-00-2035-2000).....No limit  
 Wiest hall replacement – debt service 2016B (246-00-5103-5020).....No limit  
 Deferred maintenance projects (246-00-2483-2483).....No limit  
 Forsyth library renovation (246-00-2510-2040).....No limit  
 Lewis field stadium project (246-00-5150-5180).....No limit  
 South campus drive project (246-00-2035-2000).....No limit  
 Rarick hall renovation (246-00-2035-2000).....No limit  
 Student union rehabilitation and repair projects (246-00-5102-5010).....No limit  
 Rehabilitation and repair projects (246-00-2035-2000).....No limit  
 Rehabilitation and repair projects (246-00-2510-2040).....No limit  
 Student housing rehabilitation and repair projects (246-00-5103-5020).....No limit  
 Parking maintenance projects (246-00-5185-5050).....No limit

(b) During the fiscal year ending June 30, 2022, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2021 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2020.

Sec. 156.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Energy conservation projects – debt service 2003J1, 2010U1/2, 2012F/H, 2017B (367-00-2062-2000).....	No limit
Research initiative debt service 2005H, 2012H (367-00-2901-2106).....	No limit
Chiller plant project – debt service 2015B (367-00-2062-2000).....	No limit
Engineering complex project – debt service 2014D1 (367-00-2154-2154).....	No limit
Recreation complex project – debt service 2010G1/2 (367-00-2520-2080).....	No limit
Student union renovation project – debt service 2016A (367-00-2520-2080).....	No limit
Electrical upgrade project – debt service 2017E (367-00-2520-2080).....	No limit
Salina student life center project – debt service 2008D (367-00-5111-5101).....	No limit
Childcare development center project – debt service 2019C (367-00-5125-5101).....	No limit
Jardine housing project – debt service 2019C (367-00-5163-4500).....	No limit
Wefald dining and residence hall project – debt service 2014D (367-00-5163-4500).....	No limit
Union parking – debt service 2016A (367-00-5181-4630).....	No limit
Seaton hall renovation – debt service 2016A (367-00-2520-2080).....	No limit
Chemical landfill – debt service refunding 2019C (367-00-2901-2160).....	No limit
Jardine housing project – debt service 2005A, 2007A (367-00-5163-4500).....	No limit
Derby dining center project – debt service 2019C (367-00-5163-4500).....	No limit
Capital lease – debt service (367-00-2062-2000).....	No limit
Capital lease – debt service (367-00-2520-2080).....	No limit
Rehabilitation and repair projects (367-00-2062-2000).....	No limit
Rehabilitation and repair projects (367-00-2520-2080).....	No limit
Deferred maintenance projects (367-00-2484-2484).....	No limit
Parking maintenance projects (367-00-5181-4638).....	No limit

(b) During the fiscal year ending June 30, 2022, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2021 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2020.

Sec. 157.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS  
AND AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Capital lease – debt service (369-00-2697-1100).....	No limit
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Capital lease – debt service (369-00-2921-1200).....No limit  
Sec. 158.

KANSAS STATE UNIVERSITY  
VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Capital lease – debt service (368-00-5160-5300).....No limit  
Sec. 159.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Student housing and building renovations –  
debt service 2014A1 (385-00-5106-5105).....No limit
- Overman student center and student housing –  
debt service 2014A2 (385-00-2820-2820).....No limit
- Deferred maintenance projects (385-00-2486-2486).....No limit
- Student health center – debt service 2009G (385-00-2828-2851).....No limit
- Overman student center project (385-00-2820-2820).....No limit
- Rehabilitation and repair projects (385-00-2833-2831).....No limit
- Housing maintenance projects (385-00-5645-5160).....No limit
- Parking maintenance projects (385-00-5187-5060).....No limit
- Energy conservation projects – debt service 2011D/D3, 2015M.....No limit
- Student housing project – debt service 2011D1 (385-00-2833-2830).....No limit
- Student housing projects – debt service 2009H1/2, 2014A2, 2011D1/D3,  
2014A1, 2020H (385-00-5165-5050).....No limit
- Student housing projects – debt service 2011D1 (385-00-5646-5160).....No limit
- Parking facility – debt service 2009J1/2, 2020H (385-00-5187-5060).....No limit
- Tyler scientific research center – debt service 2015K (385-00-2903-2903).....No limit

(b) During the fiscal year ending June 30, 2022, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2021 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2020.

Sec. 160.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall

not exceed the following:

Student housing projects – debt service 2011C, 2014C, 2017A, 2020B (682-00-5142-5050).....	No limit
Engineering facility – debt service 2013G1 (682-00-2545-2080).....	No limit
Engineering facility – debt service 2013G1 (682-00-2153-2153).....	No limit
Student recreation center – debt service 2017A (682-00-2864-2860).....	No limit
Parking facilities – debt service 2014C, 2017A (682-00-5175-5070).....	No limit
McCollum hall parking – debt service 2014C (682-00-5175-5070).....	No limit
Energy conservation projects – debt service 2010B, 2020B (682-00-2107-2000).....	No limit
Energy conservation projects – debt service (682-00-2545-2080).....	No limit
Earth, energy and environment center – debt service 2017A (682-00-2545-2080).....	No limit
Parking maintenance projects (682-00-5175-5070).....	No limit
Student housing maintenance projects (682-00-5621-5110).....	No limit
Rehabilitation and repair projects (682-00-2107-2000).....	No limit
Kansas law enforcement training center projects (682-00-2133-2020).....	No limit
Rehabilitation and repair projects (682-00-2545-2080).....	No limit
Deferred maintenance projects (682-00-2487-2487).....	No limit

(b) During the fiscal year ending June 30, 2022, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2021 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2020.

Sec. 161.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Health education building – debt service 2017A (683-00-2108-2500).....	No limit
Energy conservation – debt service 2012D2.2 (683-00-2108-2500).....	No limit
Hemenway research initiative – debt service 2012D2.1 (683-00-2907-2800).....	No limit
KUMC research institute – debt service 2020B (683-00-2907-2800).....	No limit
Parking garage 3 – debt service 2014C (683-00-5176-5550).....	No limit
Parking garage 4 – debt service 2010K1/2, 2020B (683-00-5176-5550).....	No limit
Parking garage 5 – debt service 2016C (683-00-5176-5550).....	No limit
Deferred maintenance projects (683-00-2488-2488).....	No limit
Rehabilitation and repair projects (683-00-2108-2500).....	No limit
Rehabilitation and repair projects (683-00-2394-2390).....	No limit

Rehabilitation and repair projects (683-00-2551-2600).....No limit  
 Rehabilitation and repair projects (683-00-2907-2800).....No limit  
 Parking maintenance projects (683-00-5176-5550).....No limit

(b) During the fiscal year ending June 30, 2022, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2021 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2020.

Sec. 162.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Energy conservation – debt service (715-00-2112-2000).....No limit  
 Rhatigan student center – debt service 2012A1 (715-00-2558-2030).....No limit  
 Engineering research lab – debt service 2005D/2003C (715-00-2558-2030)...No limit  
 Shocker residence hall – debt service 2013F (715-00-5100-5250).....No limit  
 Parking garage – debt service 2016J (715-00-5148-5000).....No limit  
 Fairmont towers – debt service 2012A2 (715-00-5620-5670).....No limit  
 Innovation campus – school of business debt service (715-00-2112-2000).....No limit  
 Flats and suites – debt service (715-00-5100-5250).....No limit  
 Deferred maintenance projects (715-00-2489-2489).....No limit  
 Rehabilitation and repair projects (715-00-2908-2080).....No limit  
 Parking maintenance projects (715-00-5159-5040).....No limit

(b) During the fiscal year ending June 30, 2022, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2021 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2020.

(c) In addition to the other purposes for which expenditures may be made by Wichita state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022, or fiscal year 2023, as authorized by this or other appropriation act of the 2021 or 2022 regular session of the legislature, expenditures may be made by Wichita state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022, or fiscal year 2023 to provide for the issuance of bonds by the Kansas

development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for the construction and equipment of a new convergence sciences building on the innovation campus of Wichita state university: *Provided*, That such capital improvement project is hereby approved for Wichita state university for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Wichita state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$15,000,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*, That any such bonds and interest thereon shall be an obligation only of the Kansas development finance authority, shall not constitute a debt of the state of Kansas within the meaning of section 6 or 7 of article 11 of the constitution of the state of Kansas and shall not pledge the full faith and credit or the taxing power of the state of Kansas: *And provided further*, That Wichita state university shall make provisions for the maintenance of the building.

Sec. 163.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

State university capital renewal initiative.....	\$10,292,230
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas educational building fund.....	No limit
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*Provided*, That the state board of regents is hereby authorized to transfer moneys from the Kansas educational building fund to an account or accounts of the Kansas educational building fund of any institution under the control and supervision of the state board of regents to be expended by the institution for projects, including planning, new construction and razing, approved by the state board of regents: *Provided, however*, That no expenditures shall be made from any such account until the proposed projects have been reviewed by the joint committee on state building construction: *Provided further*, That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the Kansas educational building fund: *And provided further*, That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.

(c) On July 1, 2021, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer \$115,000 from the Kansas educational

building fund to the historic properties fee fund of the state historical society.

Sec. 164.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2022, for the capital improvement project or projects specified, the following:

Capital improvements – rehabilitation and repair of correctional institutions (521-00-8600-8240).....\$4,592,000

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2022 from the capital improvements – rehabilitation and repair of correctional institutions account of the correctional institutions building fund to an account or accounts of the correctional institutions building fund of any institution or facility under the jurisdiction of the secretary of corrections to be expended during fiscal year 2022 by the institution or facility for capital improvement projects and for security improvement projects including acquisition of security equipment.

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2022, for the capital improvement project or projects specified, the following:

Capital improvements – rehabilitation and repair of juvenile correctional facilities (521-00-8100-8000)..... \$500,000

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2022 from the capital improvements – rehabilitation and repair account of the state institutions building fund to any account or accounts of the state institutions building fund of any juvenile correctional facility or institution under the general supervision and management of the secretary of corrections to be expended during fiscal year 2022 for capital improvement projects approved by the secretary:

Provided further, That the secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Capital improvements – capacity expansion (521-00-8100).....\$6,089,218

Provided, That notwithstanding the provisions of K.S.A. 76-6b04 and 76-6b05, or any other statute, in addition to the other purposes for which expenditures may be made by the above agency from the capital improvements – capacity expansion account of the state institutions building fund during fiscal year 2022, expenditures may be made from such account during fiscal year 2022 for capacity expansion capital improvements projects at the Winfield correctional facility and Lansing correctional facility.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Correctional facility infrastructure project (521-00-2834).....No limit

Sec. 165.

ATTORNEY GENERAL –

KANSAS BUREAU OF INVESTIGATION

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (083-00-1000-0100).....\$100,000  
*Provided*, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

KBI lab – debt service (083-00-1000-0820).....\$4,323,675  
Sec. 166.

KANSAS HIGHWAY PATROL

(a) In addition to the other purposes for which expenditures may be made from the highway patrol training center fund for fiscal year 2022, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair – training center – Salina (280-00-2306-2004).....No limit  
*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the highway patrol training center fund for fiscal year 2022.

(b) In addition to the other purposes for which expenditures may be made from the vehicle identification number fee fund for fiscal year 2022, expenditures may be made by the above agency from the vehicle identification number fee fund for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Training academy rehabilitation and repair (280-00-2213-2401)..... No limit  
*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the vehicle identification number fee fund for fiscal year 2022.

(c) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2022, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Scale replacement and rehabilitation and repair of buildings (280-00-2034-1115).....\$324,510  
*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the Kansas highway patrol operations fund for fiscal year 2022.

(d) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$324,510 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund (280-00-2034-1115). In addition to the other purposes for which expenditures may be made from the state highway fund during fiscal year 2022 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2022 for support and maintenance of the Kansas highway patrol.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the KHP federal forfeiture – federal fund for fiscal year 2022, expenditures may be made by the above agency from the following account or accounts of the KHP federal forfeiture – federal fund for fiscal year 2022 for the following

capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- Training academy rehabilitation and repair (280-00-3545-3548).....No limit
  - Troop F storage building (280-00-3545-3545).....No limit
  - KHP federal forfeiture – new construction.....No limit
- Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the KHP federal forfeiture – federal fund for fiscal year 2022.

Sec. 167.

ADJUTANT GENERAL

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, for the capital improvement project or projects specified, the following:

- Debt service – rehabilitation and repair of the statewide armories (034-00-1000-8010).....\$268,725
- Rehabilitation and repair projects (034-00-1000-8000).....\$666,431

*Provided*, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

- SDB remodel.....\$1,600,000

*Provided*, That all expenditures from the SDB remodel account shall be for the design and construction cost of remodeling the state defense building.

Sec. 168.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- State fair capital improvements fund (373-00-2533-2500).....No limit

(b) On or before the 10<sup>th</sup> day of each month during the fiscal year ending June 30, 2022, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund interest earnings based on: (1) The average daily balance of moneys in the state fair capital improvements fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(c) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, for the capital improvement project or projects specified, the following:

- State fair debt service (373-00-1000-0700).....\$850,500

Sec. 169.

KANSAS DEPARTMENT OF WILDLIFE AND PARKS

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2022, the following:

- Debt service – Kansas City district office (710-00-1900-1960).....\$10,603

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter

lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Department access road fund (710-00-2178-2760).....No limit  
*Provided*, That, in addition to the other purposes for which expenditures may be made by the above agency from the department access road fund, expenditures may be made from this fund for road improvement projects administered by the department of transportation in state parks and on public lands.

Bridge maintenance fund (710-00-2045-2070).....No limit  
Office of the secretary building fund.....No limit

(c) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$3,402,545 from the state highway fund of the department of transportation to the department access road fund of the Kansas department of wildlife and parks.

(d) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the state highway fund of the department of transportation to the bridge maintenance fund of the Kansas department of wildlife and parks.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the state agricultural production fund for fiscal year 2022, expenditures may be made by the above agency from the following capital improvement account or accounts of the state agricultural production fund for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Agricultural land capital improvement.....No limit  
*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the state agricultural production fund for fiscal year 2022.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2022, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parks rehabilitation and repair projects (710-00-2122-2066).....\$1,255,000  
*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the parks fee fund for fiscal year 2022.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2022, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Coast guard boating projects (710-00-2245-2840).....\$75,000  
*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the boating fee fund for fiscal year 2022.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2022, expenditures may be made

by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Shooting range development (710-00-2300-2301).....	\$300,000
Land acquisition (710-00-2300-3040).....	\$400,000
Federally mandated boating access (710-00-2300-4360).....	\$241,750
Rehabilitation and repair (710-00-2300-3262).....	\$1,710,000
State fishing lake projects (710-00-2300-4320).....	\$45,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the wildlife fee fund for fiscal year 2022.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2022, expenditures may be made by the above agency from the following capital improvement account or accounts of the cabin revenue fund for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Cabin site preparation (710-00-2668-2660).....	\$300,000
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*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the cabin revenue fund for fiscal year 2022.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2022, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife restoration fund for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair (710-00-3418-3422).....	\$1,350,000
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*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the wildlife restoration fund for fiscal year 2022.

(k) In addition to the other purposes for which expenditures may be made by the above agency from the sport fish restoration program fund for fiscal year 2022, expenditures may be made by the above agency from the following capital improvement account or accounts of the sport fish restoration program fund for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair (710-00-3490-3491).....	\$1,225,250
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*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the sport fish restoration program fund for fiscal year 2022.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2022, expenditures may be made by the above agency from the following capital improvement account or accounts of the migratory waterfowl propagation and protection fund for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition (710-00-2600-3330).....	\$200,000
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*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the migratory waterfowl propagation and protection fund for fiscal year 2022.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the outdoor recreation acquisition, development and planning fund for fiscal year 2022, expenditures may be made by the above agency from the following capital improvement account or accounts of the outdoor recreation acquisition, development and planning fund for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Land and water conservation development (710-00-3794-3794).....\$700,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the outdoor recreation acquisition, development and planning fund for fiscal year 2022.

(n) In addition to the other purposes for which expenditures may be made by the above agency from the recreational trails program fund for fiscal year 2022, expenditures may be made by the above agency from the following capital improvement account or accounts of the recreational trails program fund for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Recreational trails program (710-00-3238-3238).....\$700,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the recreational trails program fund for fiscal year 2022.

(o) In addition to the other purposes for which expenditures may be made by the above agency from the federally licensed wildlife areas fund for fiscal year 2022, expenditures may be made by the above agency from the following capital improvement account or accounts of the federally licensed wildlife areas fund for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

FLW-AG land capital improvements.....\$42,500

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the federally licensed wildlife areas fund for fiscal year 2022.

(p) In addition to the other purposes for which expenditures may be made by the above agency from the boating safety and financial assistance fund for fiscal year 2022, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating safety and financial assistance fund for fiscal year 2022 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Coast guard boating projects (710-00-3251-3251).....No limit

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the boating safety and financial assistance fund for fiscal year 2022.

(q) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund, boating fee fund, boating safety and financial assistance fund, wildlife fee fund, wildlife conservation fund, cabin revenue fund,

wildlife restoration fund, sport fish restoration program fund, migratory waterfowl propagation and protection fund, nongame wildlife improvement fund, plant and animal disease and pest control fund, land and water conservation fund – local, outdoor recreation acquisition, development and planning fund, recreational trails program fund, federally licensed wildlife areas fund, department of wildlife and parks gifts and donations fund, highway planning/construction fund, state wildlife grants fund, disaster grants – public assistance, nonfederal grants fund, bridge maintenance fund, state agricultural production fund, department access road fund, navigation projects fund, other federal grants fund and recreation resource management fund for fiscal year 2022, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2022 from the unencumbered balance as of June 30, 2021, in each existing capital improvement account of each such special revenue fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2021: *Provided further*; That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on each such special revenue fund for fiscal year 2022 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2022.

Sec. 170. K.S.A. 2020 Supp. 2-223 is hereby amended to read as follows: 2-223. (a) There is hereby established in the state treasury the state fair capital improvements fund. All expenditures of moneys in the state fair capital improvements fund shall be used for the payment of capital improvements and maintenance for the state fairgrounds and the payment of capital improvement obligations that have been financed. Capital improvement projects for the Kansas state fairgrounds are hereby approved for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute.

(b) Except as provided further, on each June 30, the state fair board shall certify to the director of accounts and reports an amount to be transferred from the state fair fee fund to the state fair capital improvements fund, which amount shall be not less than the amount equal to 5% of the total gross receipts during the current fiscal year from state fair activities and non-fair days activities, ~~except that~~. During the fiscal year ending June 30, 2021, no moneys shall be transferred from the state fair fee fund to the state fair capital improvement fund pursuant to this subsection. For the fiscal year ending June 30, ~~2021~~ 2022, notwithstanding the other provisions of this section, on March 1, ~~2021~~ 2022, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of \$300,000 or the amount equal to 5% of the total gross receipts during fiscal year ~~2021~~ 2022 from state fair activities and non-fair days activities through March 1, ~~2021~~ 2022, except that, subject to approval by the director of the budget prior to March 1, ~~2021~~ 2022, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, ~~2021~~ 2022, the state fair board may certify an amount on March 1, ~~2021~~ 2022, to the director of accounts and reports to be transferred from

the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, ~~2021~~ 2022, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year ~~2021~~ 2022. Upon receipt of any such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification.

Sec. 171. K.S.A. 2020 Supp. 12-1775a is hereby amended to read as follows: 12-1775a. (a) Prior to December 31, 1996, the governing body of each city that, pursuant to K.S.A. 12-1771, and amendments thereto, has established a redevelopment district prior to July 1, 1996, shall certify to the director of accounts and reports the amount equal to the amount of revenue realized from ad valorem taxes imposed pursuant to K.S.A. 72-5142, and amendments thereto, within such redevelopment district. Except as provided further, to February 1, 1997, and annually on that date thereafter, the governing body of each such city shall certify to the director of accounts and reports an amount equal to the amount by which revenues realized from such ad valorem taxes imposed in such redevelopment district are estimated to be reduced for the ensuing calendar year due to legislative changes in the statewide school finance formula. Prior to March 1 of each year, the director of accounts and reports shall certify to the state treasurer each amount certified by the governing bodies of cities under this section for the ensuing calendar year and shall transfer from the state general fund to the city tax increment financing revenue replacement fund the aggregate of all amounts so certified. Prior to April 15 of each year, the state treasurer shall pay from the city tax increment financing revenue replacement fund to each city certifying an amount to the director of accounts and reports under this section for the ensuing calendar year the amount so certified. During fiscal years ~~2020, 2021 and~~ 2022 and 2023, no moneys shall be transferred from the state general fund to the city tax increment financing revenue replacement fund pursuant to this subsection.

(b) There is hereby created the tax increment financing revenue replacement fund, which shall be administered by the state treasurer. All expenditures from the tax increment financing revenue replacement fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or a person or persons designated by the state treasurer.

Sec. 172. K.S.A. 2020 Supp. 12-5256 is hereby amended to read as follows: 12-5256. (a) All expenditures from the state housing trust fund made for the purposes of K.S.A. 2020 Supp. 12-5253 through 12-5255, and amendments thereto, shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the Kansas housing resources corporation.

(b) (1) On ~~July 1, 2019~~, July 1, 2020, ~~and~~ July 1, 2021, and July 1, 2022, the director of accounts and reports shall transfer \$2,000,000 from the state economic development initiatives fund to the state housing trust fund established by K.S.A. 74-8959, and amendments thereto.

(2) Notwithstanding the provisions of K.S.A. 74-8959, and amendments thereto, to

the contrary, during ~~fiscal year 2020~~, fiscal year 2021 ~~and~~, fiscal year 2022 and fiscal year 2023, moneys in the state housing trust fund shall be used solely for the purpose of loans or grants to cities or counties for infrastructure or housing development in rural areas. During such fiscal years, on or before ~~January 11, 2021~~, January 10, 2022, ~~and January 9, 2023, and January 8, 2024~~, the president of the Kansas housing resources corporation shall submit a report concerning the activities of the state housing trust fund to the house of representatives committee on appropriations and the senate committee on ways and means.

Sec. 173. K.S.A. 2020 Supp. 55-193 is hereby amended to read as follows: 55-193. On July 15, 1996, and on the 15<sup>th</sup> day of each calendar quarter thereafter before July 1, ~~2022 2023~~, the director of accounts and reports shall transfer \$100,000 from the state general fund and \$200,000 from the conservation fee fund established by K.S.A. 55-143, and amendments thereto, to the abandoned oil and gas well fund established by K.S.A. 55-192, and amendments thereto, except that no transfer shall be made pursuant to this section from the state general fund to the abandoned oil and gas well fund during ~~state fiscal year 2020~~, state fiscal year 2021, ~~or~~ state fiscal year 2022 or state fiscal year 2023.

Sec. 174. K.S.A. 2020 Supp. 65-180 is hereby amended to read as follows: 65-180. The secretary of health and environment shall:

(a) Institute and carry on an intensive educational program among physicians, hospitals, public health nurses and the public concerning congenital hypothyroidism, galactosemia, phenylketonuria and other genetic diseases detectable with the same specimen. This educational program shall include information about the nature of such conditions and examinations for the detection thereof in early infancy in order that measures may be taken to prevent intellectual disability or morbidity resulting from such conditions.

(b) Provide recognized screening tests for phenylketonuria, galactosemia, hypothyroidism and such other diseases as may be appropriately detected with the same specimen. The initial laboratory screening tests for these diseases shall be performed by the department of health and environment or its designee for all infants born in the state. Such services shall be performed without charge.

(c) Provide a follow-up program by providing test results and other information to identified physicians; locate infants with abnormal newborn screening test results; with parental consent, monitor infants to assure appropriate testing to either confirm or not confirm the disease suggested by the screening test results; with parental consent, monitor therapy and treatment for infants with confirmed diagnosis of congenital hypothyroidism, galactosemia, phenylketonuria or other genetic diseases being screened under this statute; and establish ongoing education and support activities for individuals with confirmed diagnosis of congenital hypothyroidism, galactosemia, phenylketonuria and other genetic diseases being screened under this statute and for the families of such individuals.

(d) Maintain a registry of cases including information of importance for the purpose of follow-up services to prevent intellectual disability or morbidity.

(e) Provide, within the limits of appropriations available therefor, the necessary treatment product for diagnosed cases for as long as medically indicated, when the product is not available through other state agencies. In addition to diagnosed cases under this section, diagnosed cases of maple syrup urine disease shall be included as a

diagnosed case under this subsection. Where the applicable income of the person or persons who have legal responsibility for the diagnosed individual meets medicaid eligibility, such individuals' needs shall be covered under the medicaid state plan. Where the applicable income of the person or persons who have legal responsibility for the diagnosed individual is not medicaid eligible, but is below 300% of the federal poverty level established under the most recent poverty guidelines issued by the United States department of health and human services, the department of health and environment shall provide reimbursement of between 50% to 100% of the product cost in accordance with rules and regulations adopted by the secretary of health and environment. Where the applicable income of the person or persons who have legal responsibility for the diagnosed individual exceeds 300% of the federal poverty level established under the most recent poverty guidelines issued by the United States department of health and human services, the department of health and environment shall provide reimbursement of an amount not to exceed 50% of the product cost in accordance with rules and regulations adopted by the secretary of health and environment.

(f) Provide state assistance to an applicant pursuant to subsection (e) only after it has been shown that the applicant has exhausted all benefits from private third-party payers, medicare, medicaid and other government assistance programs and after consideration of the applicant's income and assets. The secretary of health and environment shall adopt rules and regulations establishing standards for determining eligibility for state assistance under this section.

(g) (1) Except for treatment products provided under subsection (e), if the medically necessary food treatment product for diagnosed cases must be purchased, the purchaser shall be reimbursed by the department of health and environment for costs incurred up to \$1,500 per year per diagnosed child age 18 or younger at 100% of the product cost upon submission of a receipt of purchase identifying the company from which the product was purchased. For a purchaser to be eligible for reimbursement under this subsection, the applicable income of the person or persons who have legal responsibility for the diagnosed child shall not exceed 300% of the poverty level established under the most recent poverty guidelines issued by the federal department of health and human services.

(2) As an option to reimbursement authorized under subsection (g)(1), the department of health and environment may purchase food treatment products for distribution to diagnosed children in an amount not to exceed \$1,500 per year per diagnosed child age 18 or younger. For a diagnosed child to be eligible for the distribution of food treatment products under this subsection, the applicable income of the person or persons who have legal responsibility for the diagnosed child shall not exceed 300% of the poverty level established under the most recent poverty guidelines issued by the federal department of health and human services.

(3) In addition to diagnosed cases under this section, diagnosed cases of maple syrup urine disease shall be included as a diagnosed case under this subsection.

(h) The department of health and environment shall continue to receive orders for both necessary treatment products and necessary food treatment products, purchase such products, and shall deliver the products to an address prescribed by the diagnosed individual. The department of health and environment shall bill the person or persons who have legal responsibility for the diagnosed patient for a pro-rata share of the total

costs, in accordance with the rules and regulations adopted pursuant to this section.

(i) The secretary of health and environment shall adopt rules and regulations as needed to require, to the extent of available funding, newborn screening tests to screen for treatable disorders listed in the core uniform panel of newborn screening conditions recommended in the 2005 report by the American college of medical genetics entitled "Newborn Screening: Toward a Uniform Screening Panel and System" or another report determined by the department of health and environment to provide more appropriate newborn screening guidelines to protect the health and welfare of newborns for treatable disorders.

(j) In performing the duties under subsection (i), the secretary of health and environment shall appoint an advisory council to advise the department of health and environment on implementation of subsection (i).

(k) The department of health and environment shall periodically review the newborn screening program to determine the efficacy and cost effectiveness of the program and determine whether adjustments to the program are necessary to protect the health and welfare of newborns and to maximize the number of newborn screenings that may be conducted with the funding available for the screening program.

(l) There is hereby established in the state treasury the Kansas newborn screening fund that shall be administered by the secretary of health and environment. All expenditures from the fund shall be for the newborn screening program. All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or the secretary's designee. On July 1 of each year, the director of accounts and reports shall determine the amount credited to the medical assistance fee fund pursuant to K.S.A. 40-3213, and amendments thereto, and shall transfer the estimated portion of such amount that is necessary to fund the newborn screening program for the ensuing fiscal year as certified by the secretary of health and environment or the secretary's designee to the Kansas newborn screening fund. Such amount shall not exceed \$2,500,000 in any one fiscal year, except that such amount shall not exceed \$5,000,000 in fiscal ~~year~~ years 2021 and 2022.

Sec. 175. K.S.A. 2020 Supp. 72-5462 is hereby amended to read as follows: 72-5462. (a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) In each school year, each school district which is obligated to make payments from its capital improvements fund shall be entitled to receive payment from the school district capital improvements fund in an amount determined by the state board of education as provided in this subsection.

(1) For general obligation bonds approved for issuance at an election held prior to July 1, 2015, the state board of education shall:

(A) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state for the preceding school year and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this subsection (b)(1);

(B) determine the median AVPP of all school districts;

(C) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range

upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

(D) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 72-5463, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 25%;

(E) determine the amount of payments that a school district is obligated to make from its bond and interest fund attributable to general obligation bonds approved for issuance at an election held prior to July 1, 2015; and

(F) multiply the amount determined under subsection (b)(1)(E) by the applicable state aid percentage factor.

(2) For general obligation bonds approved for issuance at an election held on or after July 1, 2015, the state board of education shall:

(A) Determine the amount of the AVPP of each school district in the state for the preceding school year and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this subsection (b)(2);

(B) prepare a schedule of dollar amounts using the amount of the AVPP of the school district with the lowest AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts;

(C) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the lowest AVPP shown on the schedule and decreasing the state aid computation percentage assigned to the amount of the lowest AVPP by one percentage point for each \$1,000 interval above the amount of the lowest AVPP. Except as provided by K.S.A. 72-5463, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid computation percentage is 75%;

(D) determine the amount of payments that a school district is obligated to make from its bond and interest fund attributable to general obligation bonds approved for issuance at an election held on or after July 1, 2015; and

(E) multiply the amount determined under subsection (b)(2)(D) by the applicable state aid percentage factor.

(3) For general obligation bonds approved for issuance at an election held on or before June 30, 2016, the sum of the amount determined under subsection (b)(1)(F) and the amount determined under subsection (b)(2)(E) is the amount of payment the school

district is entitled to receive from the school district capital improvements fund in the school year.

(4) For general obligation bonds approved for issuance at an election held on or after July 1, 2016, the amount determined under subsection (b)(2)(E) is the amount of payment the school district shall receive from the school district capital improvements fund in the school year, except the total amount of payments school districts receive from the school district capital improvements fund in the school year for such bonds shall not exceed the six-year average amount of capital improvement state aid as determined by the state board of education.

(A) The state board of education shall determine the six-year average amount of capital improvement state aid by calculating the average of the total amount of moneys expended per year from the school district capital improvements fund in the immediately preceding six fiscal years, not to include the current fiscal year.

(B) (i) Subject to clause (ii), the state board of education shall prioritize the allocations to school districts from the school district capital improvements fund in accordance with the priorities set forth as follows in order of highest priority to lowest priority:

(a) Safety of the current facility and disability access to such facility as demonstrated by a state fire marshal report, an inspection under the Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar evaluation;

(b) enrollment growth and imminent overcrowding as demonstrated by successive increases in enrollment of the school district in the immediately preceding three school years;

(c) impact on the delivery of educational services as demonstrated by restrictive inflexible design or limitations on installation of technology; and

(d) energy usage and other operational inefficiencies as demonstrated by a district-wide energy usage analysis, district-wide architectural analysis or other similar evaluation.

(ii) In allocating capital improvement state aid, the state board shall give higher priority to those school districts with a lower AVPP compared to the other school districts that are to receive capital improvement state aid under this section.

(C) On and after July 1, 2016, the state board of education shall approve the amount of state aid payments a school district shall receive from the school district capital improvements fund pursuant to subsection (b)(5) prior to an election to approve the issuance of general obligation bonds.

(5) Except as provided in subsections (b)(6) and (b)(7), the sum of the amounts determined under subsection (b)(3) and the amount determined or allocated to the district by the state board of education pursuant to subsection (b)(4), is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(6) A school district that had an enrollment of less than 260 students in the school year immediately preceding the school year in which an election is held to approve the issuance of general obligation bonds shall not be entitled to receive payments from the school district capital improvements fund unless such school district applied for and received approval from the state board of education to issue such bonds prior to holding an election to approve such bond issuance. The provisions of this paragraph shall apply to general obligation bonds approved for issuance at an election held on or after July 1,

2017, that are issued for the purpose of financing the construction of new school facilities.

(7) For general obligation bonds approved for issuance at an election held on or after July 1, 2017, in determining the amount under subsection (b)(2)(D), the state board shall exclude payments for any capital improvement project, or portion thereof, that proposes to construct, reconstruct or remodel a facility that would be used primarily for extracurricular activities, unless the construction, reconstruction or remodeling of such facility is necessary due to concerns relating to the safety of the current facility or disability access to such facility as demonstrated by a state fire marshal report, an inspection under the Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar evaluation.

(c) The state board of education shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital improvements fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal years ending ~~June 30, 2020~~, June 30, 2021, ~~and June 30, 2022, and June 30, 2023~~, shall be considered to be revenue transfers from the state general fund.

(d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the school district to be used for the purposes of such fund.

(e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued upon approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.

(f) On or before the first day of the legislative session in 2017, and each year thereafter, the state board of education shall prepare and submit a report to the legislature that includes information on school district elections held on or after July 1, 2016, to approve the issuance of general obligation bonds and the amount of payments school districts were approved to receive from the school district capital improvements fund pursuant to subsection (b)(4)(C).

Sec. 176. K.S.A. 2020 Supp. 74-50,107 is hereby amended to read as follows: 74-50,107. (a) Commencing on July 1, ~~2019~~ 2020, and on the first day of each month thereafter during ~~fiscal year 2020~~, fiscal year 2021 ~~and~~, fiscal year 2022 and fiscal year 2023, the secretary of revenue shall apply a rate of 2% to that portion of moneys withheld from the wages of individuals and collected under the Kansas withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., and amendments thereto. The amount so determined shall be credited on a monthly basis as follows: (1) An amount necessary to meet obligations of the debt services for the IMPACT program repayment

fund; and (2) an amount to the IMPACT program services fund as needed for program administration; and (3) any remaining amounts to the job creation program fund created pursuant to K.S.A. 74-50,224, and amendments thereto. During ~~fiscal year 2020~~, fiscal year 2021 ~~and~~, fiscal year 2022 ~~and~~ fiscal year 2023, the aggregate amount that is credited to the job creation program fund pursuant to this subsection shall not exceed \$3,500,000 for each such fiscal year.

(b) Commencing on July 1, ~~2022~~ 2023, and on an annual basis thereafter, the secretary of revenue shall estimate the amount equal to the amount of net savings realized from the elimination, modification or limitation of any credit, deduction or program pursuant to the provisions of this act as compared to the expense deduction provided for in K.S.A. 79-32,143a, and amendments thereto. Whereupon such amount of savings in accordance with appropriation acts 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 to the credit of the job creation program fund created pursuant to K.S.A. 74-50,224, and amendments thereto. In addition, such other amount or amounts of money may be transferred from the state general fund or any other fund or funds in the state treasury to the job creation program fund in accordance with appropriation acts.

Sec. 177. K.S.A. 2020 Supp. 74-99b34 is hereby amended to read as follows: 74-99b34. (a) The bioscience development and investment fund is hereby created. The bioscience development and investment fund shall not be a part of the state treasury and the funds in the bioscience development and investment fund shall belong exclusively to the authority.

(b) Distributions from the bioscience development and investment fund shall be for the exclusive benefit of the authority, under the control of the board and used to fulfill the purpose, powers and duties of the authority pursuant to the provisions of K.S.A. 74-99b01 et seq., and amendments thereto.

(c) The secretary of revenue and the authority shall establish the base year taxation for all bioscience companies and state universities. The secretary of revenue, the authority and the board of regents shall establish the number of bioscience employees associated with state universities and report annually and determine the increase from the taxation base annually. The secretary of revenue and the authority may consider any verifiable evidence, including, but not limited to, the NAICS code assigned or recorded by the department of labor for companies with employees in Kansas, when determining which companies should be classified as bioscience companies.

(d) (1) Except as provided in subsection (h), for a period of 15 years from the effective date of this act, the state treasurer shall pay annually 95% of withholding above the base, as certified by the secretary of revenue, upon Kansas wages paid by bioscience employees to the bioscience development and investment fund. Such payments shall be reconciled annually. On or before the 10<sup>th</sup> day of each month, the director of accounts and reports shall transfer from the state general fund to the bioscience development and investment fund interest earnings based on:

(A) The average daily balance of moneys in the bioscience development and investment fund for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.

(2) There is hereby established in the state treasury the center of innovation for

biomaterials in orthopaedic research – Wichita state university fund, which shall be administered by Wichita state university. All moneys credited to the fund shall be used for research and development. All expenditures from the center of innovation for biomaterials in orthopaedic research – Wichita state university fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the president of Wichita state university or by the person or persons designated by the president of Wichita state university.

(3) There is hereby established in the state treasury the national bio agro-defense facility fund, which shall be administered by Kansas state university in accordance with the strategic plan adopted by the governor's national bio agro-defense facility steering committee. All moneys credited to the fund shall be used in accordance with the governor's national bio agro-defense facility steering committee's plan with the approval of the president of Kansas state university. All expenditures from the national bio agro-defense facility fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the steering committee and the president of Kansas state university or by the person or persons designated by the president of Kansas state university.

(e) The cumulative amounts of funds paid by the state treasurer to the bioscience development and investment fund shall not exceed \$581,800,000.

(f) The division of post audit is hereby authorized to conduct a post audit in accordance with the provisions of the legislative post audit act, K.S.A. 46-1106 et seq., and amendments thereto.

(g) At the direction of the authority, the fund may be held in the custody of and invested by the state treasurer, provided that the bioscience development and investment fund shall at all times be accounted for in a separate report from all other funds of the authority and the state.

(h) During fiscal years ~~2020, 2021 and~~ 2022 and 2023, no moneys shall be transferred from the state general fund to the bioscience development and investment fund pursuant to subsection (d)(1).

Sec. 178. K.S.A. 2020 Supp. 75-2263 is hereby amended to read as follows: 75-2263. (a) Subject to the provisions of subsection (j), the board of trustees is responsible for the management and investment of that portion of state moneys available for investment by the pooled money investment board that is certified by the state treasurer to the board of trustees as being equivalent to the aggregate net amount received for unclaimed property and shall discharge the board's duties with respect to such moneys solely in the interests of the state general fund and shall invest and reinvest such moneys and acquire, retain, manage, including the exercise of any voting rights and disposal of investments of such moneys within the limitations and according to the powers, duties and purposes as prescribed by this section.

(b) Moneys specified in subsection (a) shall be invested and reinvested to achieve the investment objective, which is preservation of such moneys and accordingly providing that the moneys are as productive as possible, subject to the standards set forth in this section. No such moneys shall be invested or reinvested if the sole or primary investment objective is for economic development or social purposes or objectives.

(c) In investing and reinvesting moneys specified in subsection (a) and in

acquiring, retaining, managing and disposing of investments of the moneys, the board of trustees shall exercise the judgment, care, skill, prudence and diligence under the circumstances then prevailing, which persons of prudence, discretion and intelligence acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments of the moneys so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and not in regard to speculation but in regard to the permanent disposition of similar moneys, considering the probable income as well as the probable safety of their capital.

(d) In the discharge of such management and investment responsibilities the board of trustees may contract for the services of one or more professional investment advisors or other consultants in the management and investment of such moneys and otherwise in the performance of the duties of the board of trustees under this section.

(e) The board of trustees shall require that each person contracted with under subsection (d) to provide services shall obtain commercial insurance that provides for errors and omissions coverage for such person in an amount to be specified by the board of trustees. The amount of such coverage specified by the board of trustees shall be at least the greater of \$500,000 or 1% of the funds entrusted to such person up to a maximum of \$10,000,000. The board of trustees shall require a person contracted with under subsection (d) to provide services to give a fidelity bond in a penal sum as may be fixed by law or, if not so fixed, as may be fixed by the board of trustees, with corporate surety authorized to do business in this state. Such persons contracted with the board of trustees pursuant to subsection (d) and any persons contracted with such persons to perform the functions specified in subsection (b) shall be deemed to be fiduciary agents of the board of trustees in the performance of contractual obligations.

(f) (1) Subject to the objective set forth in subsection (b) and the standards set forth in subsection (c), the board of trustees shall formulate and adopt policies and objectives for the investment and reinvestment of such moneys and the acquisition, retention, management and disposition of investments of the moneys. Such policies and objectives shall be in writing and shall include:

- (A) Specific asset allocation standards and objectives;
- (B) establishment of criteria for evaluating the risk versus the potential return on a particular investment; and
- (C) a requirement that all investment advisors, and any managers or others with similar duties and responsibilities as investment advisors, shall immediately report all instances of default on investments to the board of trustees and provide such board of trustees with recommendations and options, including, but not limited to, curing the default or withdrawal from the investment.

(2) The board of trustees shall review such policies and objectives, make changes considered necessary or desirable and readopt such policies and objectives on an annual basis.

(g) Except as provided in subsection (d) and this subsection, the custody of such moneys shall remain in the custody of the state treasurer, except that the board of trustees may arrange for the custody of such moneys as it considers advisable with one or more member banks or trust companies of the federal reserve system or with one or more banks in the state of Kansas, or both, to be held in safekeeping by the banks or trust companies for the collection of the principal and interest or other income or of the

proceeds of sale. All such moneys shall be considered moneys in the state treasury for purposes of K.S.A. 75-6704, and amendments thereto.

(h) All interest or other income of the investments of the moneys invested under this section, after payment of any management fees, shall be deposited in the state treasury to the credit of the state general fund.

(i) The state treasurer shall certify to the board of trustees a portion of state moneys available for investment by the pooled money investment board that is equivalent to the aggregate net amount received for unclaimed property. The state treasurer shall transfer the amount certified to the board of trustees. During fiscal years ~~2020, 2021 and, 2022 and 2023~~, the state treasurer shall not certify or transfer any state moneys available for investment pursuant to this subsection.

(j) As used in this section:

(1) "Board of trustees" means the board of trustees of the Kansas public employees retirement system established by K.S.A. 74-4905, and amendments thereto.

(2) "Fiduciary" means a person who, with respect to the moneys invested under this section:

(A) Exercises any discretionary authority with respect to administration of the moneys;

(B) exercises any authority to invest or manage such moneys or has any authority or responsibility to do so;

(C) provides investment advice for a fee or other direct or indirect compensation with respect to such moneys or has any authority or responsibility to do so;

(D) provides actuarial, accounting, auditing, consulting, legal or other professional services for a fee or other direct or indirect compensation with respect to such moneys or has any authority or responsibility to do so; or

(E) is a member of the board of trustees or of the staff of the board of trustees.

Sec. 179. K.S.A. 75-4209 is hereby amended to read as follows: 75-4209. (a) The director of investments may invest and reinvest state moneys eligible for investment which are not invested in accordance with K.S.A. 75-4237, and amendments thereto, in the following investments:

(1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of the United States sponsored enterprises which under federal law may be accepted as security for public funds, on and after the effective date of this act moneys available for investment under this subsection shall not be invested in mortgage-backed securities of such enterprises and of the government national mortgage association, except that any such mortgage-backed securities held prior to the effective date of this act may be held to maturity;

(2) repurchase agreements with a bank or a primary government securities dealer which reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States government sponsored enterprises which under federal law may be accepted as security for public funds;

(3) commercial paper that does not exceed 270 days to maturity and which has received one of the two highest commercial paper credit ratings by a nationally recognized investment rating firm; and

(4) corporate bonds which have received one of the two highest ratings by a nationally recognized investment rating firm.

(b) When moneys are available for deposit or investments, the director of investments may invest in SKILL act projects and bonds pursuant to K.S.A. 74-8920, and amendments thereto, and in state agency bonds and bond projects.

(c) When moneys are available for deposits or investments, the director of investments may invest in preferred stock of Kansas venture capital, inc., under terms and conditions prescribed by K.S.A. 74-8203, and amendments thereto, but such investments shall not in the aggregate exceed a total amount of \$10,000,000.

(d) When moneys are available for deposits or investments, the director of investments may invest in loans pursuant to legislative mandates, except that not more than the greater of 10% or \$140,000,000 of the state moneys shall be invested. The provisions of this subsection shall not apply to the provisions of subsection (m).

(e) Interest on investment accounts in banks is to be paid at maturity, but not less than annually.

(f) Investments made by the director of investments under the provisions of this section shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(g) Investments under subsection (a) or (b) or under K.S.A. 75-4237, and amendments thereto, shall be for a period not to exceed four years, except that linked deposits authorized under the provisions of K.S.A. 2-3703 through 2-3707, and amendments thereto, shall not exceed a period of 10 years; agricultural production loan deposits authorized under the provisions of K.S.A. 75-4268 through 75-4274, and amendments thereto, shall not exceed a period of eight years and housing loan deposits authorized under K.S.A. 75-4276 through 75-4282, and amendments thereto, shall not exceed a period of five years or 20 years, as applicable pursuant to K.S.A. 75-4279, and amendments thereto.

(h) Investments in securities under subsection (a)(1) shall be limited to securities which do not have any more interest rate risk than do direct United States government obligations of similar maturities. For purposes of this subsection, "interest rate risk" means market value changes due to changes in current interest rates.

(i) The director of investments shall not invest state moneys eligible for investment under subsection (a), in the municipal investment pool fund, created under K.S.A. 12-1677a, and amendments thereto.

(j) The director of investments shall not invest moneys in the pooled money investment portfolio in derivatives. As used in this subsection, "derivatives" means a financial contract whose value depends on the value of an underlying asset or index of asset values.

(k) Moneys and investments in the pooled money investment portfolio shall be invested and reinvested by the director of investments in accordance with investment policies developed, approved, published and updated on an annual basis by the board. Such investment policies shall include at a minimum guidelines which identify credit standards, eligible instruments, allowable maturity ranges, methods for valuing the portfolio, calculating earnings and yields and limits on portfolio concentration for each type of investment. Any changes in such investment policies shall be approved by the

pooled money investment board. Such investment policies may specify the contents of reports, methods of crediting funds and accounts and other operating procedures.

(l) The board shall adopt rules and regulations to establish an overall percentage limitation on the investment of moneys in investments authorized under subsection (a) (3), and within such authorized investment, the board shall establish a percentage limitation on the investment in any single business entity.

(m) (1) During the fiscal year ending June 30, 2017, the director of the budget shall estimate on or before June 27, 2017, the amount of the unencumbered ending balance in the state general fund for fiscal year 2017. If the amount of such unencumbered ending balance in the state general fund is less than \$50,000,000, the director of the budget shall certify the difference between \$50,000,000, and the amount of such unencumbered ending balance to the pooled money investment board. Upon the liquidation of all investments and reinvestments of state moneys pursuant to K.S.A. 75-2263(j), and amendments thereto, and upon receipt of such certification by the director of the budget, during the fiscal year ending June 30, 2017, the pooled money investment board shall authorize the director of accounts and reports to transfer an amount equal to the amount certified by the director of the budget pursuant to this subsection from the pooled money investment portfolio to the state general fund. Upon receipt of such authorization, the director of accounts and reports shall make such transfer. The chairperson of the pooled money investment board shall transmit a copy of such authorization to the director of legislative research and the director of the budget.

(2) (A) On or before June 30, 2019, the director of accounts and reports shall transfer an amount equal to  $\frac{1}{6}$  of the amount transferred pursuant to subsection (m)(1) from the state general fund to the pooled money investment portfolio.

(B) On or before June 30, 2020, ~~and June 30, 2021~~, the director of accounts and reports shall transfer an amount equal to  $\frac{1}{2}$  of the amount transferred pursuant to subsection (m)(1), reduced by the amount transferred pursuant to subsection (m)(2)(A) from the state general fund to the pooled money investment portfolio.

(C) ~~Any transfer made pursuant to this subsection shall be reduced by the amount of moneys credited to any fiscal year payment pursuant to K.S.A. 75-6707, and amendments thereto.~~ On or before June 30, 2021, and June 30, 2022, during each such fiscal year, the director of accounts and reports shall transfer an amount equal to  $\frac{1}{2}$  of the amount transferred pursuant to subsection (m)(1), reduced by the amount transferred pursuant to subsection (m)(2)(A) and (m)(2)(B) from the state general fund to the pooled money investment portfolio.

(3) During the fiscal year ending June 30, 2018, after any transfer made pursuant to subsection (m)(1), the pooled money investment board shall authorize the director of accounts and reports to transfer the remaining amount of all investments and reinvestments of state moneys liquidated pursuant to K.S.A. 75-2263(j), and amendments thereto, from the pooled money investment portfolio to the state general fund. Upon receipt of such authorization, the director of accounts and reports shall make such transfer. The chairperson of the pooled money investment board shall transmit a copy of such authorization to the director of legislative research and the director of the budget.

(4) (A) On or before June 30, 2019, the director of accounts and reports shall transfer an amount equal to  $\frac{1}{6}$  of the amount transferred pursuant to subsection (m)(3) from the state general fund to the pooled money investment portfolio.

(B) On or before June 30, 2020, ~~and June 30, 2021~~, the director of accounts and reports shall transfer an amount equal to  $\frac{1}{2}$  of the amount transferred pursuant to subsection (m)(3), reduced by the amount transferred pursuant to subsection (m)(4)(A) from the state general fund to the pooled money investment portfolio.

(C) ~~Any transfer made pursuant to this subsection shall be reduced by the amount of moneys credited to any fiscal year payment pursuant to K.S.A. 75-6707, and amendments thereto.~~ On or before June 30, 2021, and June 30, 2022, during each such fiscal year, the director of accounts and reports shall transfer an amount equal to  $\frac{1}{2}$  of the amount transferred pursuant to subsection (m)(3), reduced by the amount transferred pursuant to subsection (m)(4)(A) and (m)(4)(B) from the state general fund to the pooled money investment portfolio.

Sec. 180. K.S.A. 75-6702 is hereby amended to read as follows: 75-6702. (a) The last appropriation bill passed in any regular session of the legislature shall be the omnibus reconciliation spending limit bill. Each bill ~~which that~~ is passed during a regular session of the legislature and ~~which that~~ appropriates or transfers money from the state general fund for the ensuing fiscal year shall contain a provision that such bill shall take effect and be in force from and after the effective date of the omnibus reconciliation spending limit bill for that regular session of the legislature or from and after such effective date and a subsequent date or an event occurring after such effective date.

(b) Except as provided in subsection (c), the maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the 2004 regular session of the legislature and each regular session of the legislature thereafter, is hereby fixed so that there will be an ending balance in the state general fund for the ensuing fiscal year that is equal to 7.5% or more of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year.

(c) The provisions of subsection (b) are hereby suspended for the fiscal year ending June 30, ~~2019~~ 2021, and the fiscal year ending June 30, ~~2020~~ 2022, and shall not prescribe a maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the ~~2018 or 2019~~ 2021 or 2022 regular session of the legislature.

Sec. 181. K.S.A. 75-6706 is hereby amended to read as follows: 75-6706. (a) On July 1, 2017, the budget stabilization fund is hereby established in the state treasury.

(b) On or before the 10<sup>th</sup> day of each month commencing July 1, 2017, the director of accounts and reports shall transfer from the state general fund to the budget stabilization fund interest earnings based on:

- (1) The average daily balance of moneys in the budget stabilization fund, for the preceding month; and
- (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(c) On and after July 1, 2017, no moneys in the budget stabilization fund shall be expended pursuant to this subsection unless the expenditure either has been approved by an appropriation or other act of the legislature or has been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto.

(d) (1) The legislative budget committee shall study and review the policy concerning the balance of, transfers to and expenditures from the budget stabilization fund. The legislative budget committee study and review shall include, but not be limited to, the following:

- (A) Risk-based budget stabilization fund practices utilized in other states.
  - (B) The appropriate number of years to review the state general fund:
    - (i) Revenue variances from projections; and
    - (ii) expenditure variances from budgets.
  - (C) The entity to certify the amount necessary in the budget stabilization fund to maintain the appropriate risk-based balance.
  - (D) Plan to fund the budget stabilization fund.
  - (E) Process and circumstances to reach the appropriate risk-based balance, including the amount of risk that is acceptable.
  - (F) Circumstances under which expenditures may be made from the fund.
- (2) The legislative budget committee may make recommendations and introduce legislation as it deems necessary to implement such recommendations.

~~(c) On or before August 15, 2021, the director of the budget, in consultation with the director of legislative research, shall certify the amount of the unencumbered ending balance in the state general fund for fiscal year 2021. Such ending balance shall not include the transfers made pursuant to K.S.A. 75-6707, and amendments thereto. Upon making such certification, the director of the budget shall authorize the director of accounts and reports to transfer 10% of such ending balance from the state general fund to the budget stabilization fund. On July 1, 2021, the director of accounts and reports shall transfer all moneys in the budget stabilization fund to the state general fund.~~

Sec. 182. K.S.A. 2020 Supp. 75-6707 is hereby amended to read as follows: 75-6707. (a) For the fiscal years ending ~~June 30, 2020, June 30, 2021, and June 30, 2022, and June 30, 2023,~~ the director of the budget, in consultation with the director of legislative research, shall certify, at the end of each such fiscal year, the amount of actual tax receipt revenues to the state general fund that is in excess of, or is less than, the amount of estimated tax receipt revenues to the state general fund pursuant to the most recent joint estimate of revenue under K.S.A. 75-6701, and amendments thereto, for such fiscal year, and shall transmit such certification to the director of accounts and reports.

(b) Upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer 50% of such certified excess amount from the state general fund for the fiscal years ending ~~June 30, 2020, June 30, 2021, and June 30, 2022, and June 30, 2023,~~ to the budget stabilization fund established by K.S.A. 75-6706, and amendments thereto.

(c) If the amount of actual tax receipt revenues to the state general fund is less than the amount of estimated tax receipt revenues to the state general fund, then no transfers shall be made pursuant to this section.

Sec. 183. K.S.A. 2020 Supp. 76-775 is hereby amended to read as follows: 76-775. (a) Subject to the other provisions of this act, on the first day of the first state fiscal year commencing after receiving a certification of receipt of a qualifying gift under K.S.A. 76-774, and amendments thereto, the director of accounts and reports shall transfer from the state general fund the amount determined by the director of accounts and reports to be the earnings equivalent award for such qualifying gift for the period of

time between the date of certification of the qualifying gift and the first day of the ensuing state fiscal year to either: (1) The endowed professorship account of the faculty of distinction matching fund of the eligible educational institution, in the case of a certification of a qualifying gift to an eligible educational institution that is a state educational institution; or (2) the faculty of distinction program fund of the state board of regents, in the case of a certification of a qualifying gift to an eligible institution that is not a state educational institution. Subject to the other provisions of this act, on each July 1 thereafter, the director of accounts and reports shall make such transfer from the state general fund of the earnings equivalent award for such qualifying gift for the period of the preceding state fiscal year. All transfers made in accordance with the provisions of this subsection shall be considered demand transfers from the state general fund, except that all such transfers during the fiscal years ending ~~June 30, 2020~~, June 30, 2021, ~~and~~ June 30, 2022, and June 30, 2023, shall be considered to be revenue transfers from the state general fund.

(b) There is hereby established in the state treasury the faculty of distinction program fund, which shall be administered by the state board of regents. All moneys transferred under this section to the faculty of distinction program fund of the state board of regents shall be paid to eligible educational institutions that are not state educational institutions for earnings equivalent awards for qualifying gifts to such eligible educational institutions. The state board of regents shall pay from the faculty of distinction program fund the amount of each such transfer to the eligible educational institution for the earnings equivalent award for which such transfer was made under this section.

(c) The earnings equivalent award for an endowed professorship shall be determined by the director of accounts and reports and shall be the amount of interest earnings that the amount of the qualifying gift certified by the state board of regents would have earned at the average net earnings rate of the pooled money investment board portfolio for the period for which the determination is being made.

(d) The total amount of new qualifying gifts that may be certified to the director of accounts and reports under this act during any state fiscal year for all eligible educational institutions shall not exceed \$30,000,000. The total amount of new qualifying gifts that may be certified to the director of accounts and reports under this act during any state fiscal year for any individual eligible educational institution shall not exceed \$10,000,000. No additional qualifying gifts shall be certified by the state board of regents under this act when the total of all transfers from the state general fund for earnings equivalent awards for qualifying gifts pursuant to this section, and amendments thereto, for a fiscal year is equal to or greater than \$8,000,000 in fiscal year 2011 and in each fiscal year thereafter.

Sec. 184. K.S.A. 2020 Supp. 76-7,107 is hereby amended to read as follows: 76-7,107. (a) (1) On July 1, 2008, or as soon thereafter as sufficient moneys are available, \$7,000,000 shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 76-7,104, and amendments thereto.

(2) No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 76-7,104, and amendments thereto, during the fiscal years ending ~~June 30, 2020~~, June 30, 2021, ~~and~~ June 30, 2022, and June 30, 2023, pursuant to this section.

(b) All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

(c) All moneys credited to the infrastructure maintenance fund shall be expended or transferred only for the purpose of paying the cost of projects approved by the state board pursuant to the state educational institution long-term infrastructure maintenance program.

Sec. 185. K.S.A. 2020 Supp. 79-2959 is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts that in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that: (1) No moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal years ~~2020 and 2021, 2022 and 2023~~; and (2) the amount of the transfer on each such date shall be \$27,000,000 during fiscal year ~~2022, 2024~~ and all fiscal years thereafter. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be revenue transfers from the state general fund.

(c) The state treasurer shall apportion and pay the amounts transferred under subsection (b) to the several county treasurers on January 15 and on July 15 in each year as follows: (1) 65% of the amount to be distributed shall be apportioned on the basis of the population figures of the counties certified to the secretary of state pursuant to K.S.A. 11-201, and amendments thereto, on July 1 of the preceding year; and (2) 35% of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.

Sec. 186. K.S.A. 2020 Supp. 79-2964 is hereby amended to read as follows: 79-2964. There is hereby created the county and city revenue sharing fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be allocated and distributed in the manner provided herein. The director of accounts and reports in each year on July 15 and December 10, shall make transfers in equal amounts that in the aggregate equal 2.823% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, during the preceding calendar year from the state general fund to the county and city revenue sharing fund, except that no moneys shall be transferred from the state general fund to the county and city revenue sharing fund during state fiscal years ~~2020, 2021 and, 2022 and 2023~~. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

Sec. 187. K.S.A. 2020 Supp. 79-3425i is hereby amended to read as follows: 79-3425i. On January 15 and July 15 of each year, the director of accounts and reports shall transfer a sum equal to the total taxes collected under the provisions of K.S.A. 79-6a04

and 79-6a10, and amendments thereto, and annual commercial vehicle fees collected pursuant to K.S.A. 2020 Supp. 8-143m, and amendments thereto, and credited to the state general fund during the six months next preceding the date of transfer, from the state general fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, except that: (1) Such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto; (2) no moneys shall be transferred from the state general fund to the special city and county highway fund during ~~state fiscal year 2020~~; state fiscal year 2021 ~~or~~, state fiscal year 2022 or state fiscal year 2023; and (3) all transfers under this section shall be considered to be demand transfers from the state general fund.

Sec. 188. K.S.A. 2020 Supp. 79-34,171 is hereby amended to read as follows: 79-34,171. (a) On January 1, 2009, and quarterly thereafter, the director of accounts and reports shall transfer \$400,000 from the state general fund to the Kansas retail dealer incentive fund, except that no moneys shall be transferred pursuant to this section from the state general fund to the Kansas retail dealer incentive fund during the fiscal years ending ~~June 30, 2020~~; June 30, 2021, ~~or~~ June 30, 2022, or June 30, 2023. On and after July 1, 2009, the unobligated balance in the Kansas retail dealer incentive fund shall not exceed \$1.5 million. If the unobligated balance of the fund exceeds \$1.1 million at the time of a quarterly transfer, the transfer shall be limited to the amount necessary for the fund to reach a total of \$1.5 million.

(b) There is hereby created in the state treasury the Kansas retail dealer incentive fund. All moneys in the Kansas retail dealer incentive fund shall be expended by the secretary of the department of revenue for the payment of incentives to Kansas retail dealers who sell and dispense renewable fuels or biodiesel through a motor fuel pump in accordance with the provisions of K.S.A. 79-34,170 through 79-34,175, and amendments thereto.

(c) All moneys remaining in the Kansas retail dealer incentive fund upon the expiration of K.S.A. 79-34,170 through 79-34,175, and amendments thereto, shall be credited by the state treasurer to the state general fund.

Sec. 189. K.S.A. 2020 Supp. 79-4804 is hereby amended to read as follows: 79-4804. (a) After the transfer of moneys pursuant to K.S.A. 79-4806, and amendments thereto, an amount equal to 85% of the balance of all moneys credited to the state gaming revenues fund shall be transferred and credited to the state economic development initiatives fund. Expenditures from the state economic development initiatives fund shall be made in accordance with appropriations acts for the financing of such programs supporting and enhancing the existing economic foundation of the state and fostering growth through the expansion of current, and the establishment and attraction of new, commercial and industrial enterprises as provided by this section and as may be authorized by law and not less than  $\frac{1}{2}$  of such money shall be distributed equally among the congressional districts of the state. Except as provided by subsection (g), all moneys credited to the state economic development initiatives fund shall be credited within the fund, as provided by law, to an account or accounts of the fund, which are created by this section or for state fiscal years 2022 and 2023, to an account or accounts of the fund created by appropriation acts.

(b) There is hereby created the Kansas capital formation account in the state economic development initiatives fund. All moneys credited to the Kansas capital formation account shall be used to provide, encourage and implement capital

development and formation in Kansas.

(c) There is hereby created the Kansas economic development research and development account in the state economic development initiatives fund. All moneys credited to the Kansas economic development research and development account shall be used to promote, encourage and implement research and development programs and activities in Kansas and technical assistance funded through state educational institutions under the supervision and control of the state board of regents or other Kansas colleges and universities.

(d) There is hereby created the Kansas economic development endowment account in the state economic development initiatives fund. All moneys credited to the Kansas economic development endowment account shall be accumulated and invested as provided in this section to provide an ongoing source of funds, which shall be used for economic development activities in Kansas, including, but not limited to, continuing appropriations or demand transfers for programs and projects, which shall include, but are not limited to, specific community infrastructure projects in Kansas that stimulate economic growth.

(e) Except as provided in subsection (f), the director of investments may invest and reinvest moneys credited to the state economic development initiatives fund in accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto, in the pooled money investment portfolio. All moneys received as interest earned by the investment of the moneys credited to the state economic development initiatives fund shall be deposited in the state treasury and credited to the Kansas economic development endowment account of such fund.

(f) Moneys credited to the Kansas economic development endowment account of the state economic development initiatives fund may be invested in government guaranteed loans and debentures as provided by law in addition to the investments authorized by subsection (e) or in lieu of such investments. All moneys received as interest earned by the investment under this subsection of the moneys credited to the Kansas economic development endowment account shall be deposited in the state treasury and credited to the Kansas economic development endowment account of the state economic development initiatives fund.

(g) Except as provided further, in each fiscal year, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 that in the aggregate equal \$2,000,000 from the state economic development initiatives fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto. ~~In state fiscal year 2020 the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 that in the aggregate equal \$500,000 from the state economic development initiatives fund to the state water plan fund.~~ In state fiscal year 2021, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 that in the aggregate equal \$913,325 from the state economic development initiatives fund to the state water plan fund. In state fiscal year 2022, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 that in the aggregate equal ~~\$500,000~~ \$1,719,264 from the state economic development initiatives fund to the state water plan fund. In state fiscal year 2023, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 that in the aggregate equal \$500,000 from the state economic development

initiatives fund to the state water plan fund. No other moneys credited to the state economic development initiatives fund shall be used for: (1) Water-related projects or programs, or related technical assistance; or (2) any other projects or programs, or related technical assistance that meet one or more of the long-range goals, objectives and considerations set forth in the state water resource planning act.

Sec. 190. K.S.A. 2020 Supp. 82a-953a is hereby amended to read as follows: 82a-953a. During each fiscal year, the director of accounts and reports shall transfer \$6,000,000 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, ~~one-half~~<sup>1/2</sup> of such amount to be transferred on July 15 and ~~one-half~~<sup>1/2</sup> to be transferred on January 15. During the fiscal year ending June 30, ~~2020~~ 2022, the transfer shall not exceed \$4,005,632.

Sec. 191. K.S.A. 75-4209, 75-6702 and 75-6706 and K.S.A. 2020 Supp. 2-223, 12-1775a, 12-5256, 55-193, 65-180, 72-5462, 74-50,107, 74-99b34, 75-2263, 75-6707, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a are hereby repealed.

Sec. 192. If any fund or account name described by words and the numerical accounting code that follows such fund or account name do not match, it shall be conclusively presumed that the legislature intended that the fund or account name described by words is the correct fund or account name, and such fund or account name described by words shall control over a contradictory or incorrect numerical accounting code.

Sec. 193. *Severability.* If any provision or clause of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end, the provisions of this act are declared to be severable.

Sec. 194. *Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiative fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any such funds.

Sec. 195. *Savings.* (a) Any unencumbered balance as of June 30, 2021, in any special revenue fund, or account thereof, of any state agency named in this act that is not otherwise specifically appropriated or limited for fiscal year 2022 by this or any other appropriation act of the 2021 regular session of the legislature is hereby appropriated for the fiscal year ending June 30, 2022, for the same use and purpose as the same was heretofore appropriated.

(b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiatives fund, the state water plan fund, the Kansas endowment for youth fund, the Kansas educational building fund, the state institutions building fund or the correctional institutions building fund, or to any account of any of such funds.

Sec. 196. During the fiscal year ending June 30, 2022, all moneys that are lawfully credited to and available in any bond special revenue fund and that are not otherwise specifically appropriated or limited by this or other appropriation act of the 2021 regular

session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2022, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund. As used in this section, "bond special revenue fund" means any special revenue fund or account thereof established in the state treasury prior to or on or after the effective date of this act for the deposit of the proceeds of bonds issued by the Kansas development finance authority for the payment of debt service for bonds issued by the Kansas development finance authority or for any related purpose in accordance with applicable bond covenants.

Sec. 197. *Federal grants.* (a) During the fiscal year ending June 30, 2022, each federal grant or other federal receipt that is received by a state agency named in this act and that is not otherwise appropriated to that state agency for fiscal year 2022 by this or other appropriation act of the 2021 regular session of the legislature, is hereby appropriated for fiscal year 2022, for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt that has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

(b) In addition to the other purposes for which expenditures may be made by any state agency that is named in this act and that is not otherwise authorized by law to apply for and receive federal grants, expenditures may be made by such state agency from moneys appropriated for fiscal year 2022 by this act or any other appropriation act of the 2021 regular session of the legislature to apply for and receive federal grants during fiscal year 2022, which federal grants are hereby authorized to be applied for and received by such state agencies: *Provided*, That no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt that has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

(c) During the fiscal year ending June 30, 2022, the provisions of this section shall not apply to any federal grant or other federal receipt received by the state of Kansas for aid for coronavirus relief. Such moneys are subject to the provisions of section 30(c).

Sec. 198. (a) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2021 regular session of the legislature and having an unencumbered balance as of June 30, 2021, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2022, for the same uses and purposes as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This subsection shall not apply to the unencumbered balance in any account of the correctional institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2020.

Sec. 199. (a) Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2021 regular session of the legislature and having an unencumbered balance as of June 30, 2021, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2022, for the same use and purpose as originally appropriated, unless specific provision

is made for lapsing such appropriation.

(b) This subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund that was encumbered for any fiscal year commencing prior to July 1, 2020.

Sec. 200. (a) Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2021 regular session of the legislature and having an unencumbered balance as of June 30, 2021, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2022, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This subsection shall not apply to the unencumbered balance in any account of the state institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2020.

Sec. 201. Any transfers of moneys during the fiscal year ending June 30, 2022, from any special revenue fund of any state agency named in this act to the audit services fund of the division of post audit under K.S.A. 46-1121, and amendments thereto, shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 2022.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "AN ACT"; by striking all in lines 2 through 7; in line 8 by striking all before the period and inserting "making and concerning appropriations for fiscal years ending June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 75-4209, 75-6702 and 75-6706 and K.S.A. 2020 Supp. 2-223, 12-1775a, 12-5256, 55-193, 65-180, 72-5462, 74-50,107, 74-99b34, 75-2263, 75-6707, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections";

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

RICK BILLINGER

J.R. CLAEYS

TOM HAWK

*Conferees on part of Senate*

TROY WAYMASTER

KYLE HOFFMAN

KATHY WOLFE-MOORE

*Conferees on part of House*

Senator Billinger moved the Senate adopt the Conference Committee Report on **HB 2007**.

On roll call, the vote was: Yeas 21; Nays 14; Present and Passing 5; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Ryckman, Suellentrop, Thompson, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Peck, Pettey, Pittman, Steffen, Sykes, Tyson, Ware.

Present and Passing: Baumgardner, Hilderbrand, Pyle, Straub, Warren.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

Mr. President: I vote aye on **HB 2007** but with grave concerns. This budget does not include the funding for the K-12 budget. Unlike traditional K-12 budgeting, the money for K-12 was not inserted in the budget but rather was placed in a House Conference Committee report that included education policy that was never vetted by the Senate Education Committee, nor debated by the Committee of the Whole in the Senate. We have the responsibility to fund K-12 education for all of our children. I hope that this body will be resolute in putting the required money to fund K-12 in the Omnibus Budget when we return for final session.—CAROLYN MCGINN

Senators Bowers, Dietrich and O'Shea request the record to show they concur with the "Explanation of Vote" offered by Senator McGinn on **HB 2007**.

Mr. President: This budget is not balanced nor sustainable. When we consider budgets, we must always prioritize the need to protect our state's future and be fiscally responsible. We cannot pay for tax cuts for giant multinational corporations, keep the lights on and keep our state running, and operate with a positive balance under this proposed budget. This budget includes no money for K-12 education, which accounts for a huge portion of our annual funding obligation. Without funding our schools, it still leaves our state deep in the red. This budget is fiscally irresponsible, it will land us in court, and it will cost our state money and hurt our kids. I vote no.—DINAH SYKES

Senators Francisco and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **HB 2007**.

#### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2039** submits the following report:

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

On page 2, in line 1, after "(b) (1)" by inserting "(A)"; in line 4, after the period by inserting "In school year 2021-2022, "; also in line 4, by striking "require students to pass" and inserting "provide to each student enrolled in such course"; in line 8, after the period by inserting "In school year 2022-2023 and each school year thereafter, students enrolled in such course of instruction shall be required to pass such basic civics test, or series of tests."; in line 27, by striking "(2)" and inserting "(B)"; following line 34, by inserting:

"(2) (A) In school years 2022-2023 and 2023-2024, all accredited high schools, public, private or parochial, shall implement and give a course of instruction concerning personal financial literacy for grades 10, 11 or 12 using the state curriculum standards for personal financial literacy developed by the state board of education pursuant to K.S.A. 72-3236, and amendments thereto.

(B) Beginning in school year 2024-2025 and each school year thereafter, any

student who has not satisfactorily passed such personal financial literacy course shall not be certified as having completed the course requirements necessary for graduation from high school.";

On page 3, in line 15, by striking "10" and inserting "nine"; in line 17, after "grades" by inserting "10,";

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

MOLLY BAUMGARDNER

RENEE ERICKSON

*Conferees on part of Senate*

STEVE HUEBERT

ADAM THOMAS

*Conferees on part of House*

Senator Baumgardner moved the Senate adopt the Conference Committee Report on **HB 2039**.

On roll call, the vote was: Yeas 25; Nays 13; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Erickson, Fagg, Gossage, Haley, Hilderbrand, Kerschen, Kloos, Masterson, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Hawk, Holland, Holscher, O'Shea, Pettey, Pittman, Sykes, Ware.

Present and Passing: Longbine, McGinn.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2218** submits the following report:

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

On page 4, in line 25, by striking all after the stricken material; in line 26, by striking all before the period and inserting "designated by the governor";

On page 5, in line 7, by striking "expected" and inserting "the average"; also in line 7, by striking "next plan year" and inserting "immediately preceding three plan years";

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

CAROLYN MCGINN

DAN KERSCHEN

TOM HAWK

*Conferees on part of Senate*

STEVE JOHNSON

CHRIS CROFT

CINDY NEIGHBOR

*Conferees on part of House*

Senator McGinn moved the Senate adopt the Conference Committee Report on **HB 2218**.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Holland, Sykes, Ware.

The Conference Committee Report was adopted.

On motion of Senator Alley, the Senate recessed until 3:00 p.m.

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### MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2390**.

The House adopts the Conference Committee report on **HB 2074**.

The House adopts the Conference Committee report on **SB 86**.

### ORIGINAL MOTION

Senator Alley moved to suspend Joint 3(f) on **HB 2064, HB 2143; S Sub Sub HB 2196; 2405**. Motion carried.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 86** submits the following report:

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

On page 1, by striking all in lines 7 through 36;

By striking all on pages 2 through 10;

On page 11, by striking all in lines 1 through 25 and inserting:

"New Section 1. (a) Sections 1 through 7, and amendments thereto, shall be known and may be cited as the Kansas extraordinary utility costs loan deposit program.

(b) The Kansas extraordinary utility costs loan deposit program shall be a part of and supplemental to article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 2. As used in the Kansas extraordinary utility costs loan deposit program:

(a) "Director of investments" means the person appointed as the director of investments pursuant to K.S.A. 75-4222, and amendments thereto;

(b) "eligible borrower" means any wholesale natural gas customer located in the state of Kansas that incurs extraordinary natural gas costs due to the extreme winter weather event of February 2021 and is not an individual obtaining a loan for personal, family or household purposes; and

(c) "eligible lending institution" means a financial institution that is:

(1) A bank, as defined under K.S.A. 75-4201, and amendments thereto, that agrees to participate in the program and is eligible to be a depository of state funds;

(2) a credit union, as defined under K.S.A. 17-2231, and amendments thereto, that agrees to participate in the program and that provides securities acceptable to the pooled money investment board pursuant to article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto; or

(3) an institution of the farm credit system organized under the federal farm credit act of 1971, 12 U.S.C. § 2001, as in effect on the effective date of this act, having at least one branch in the state of Kansas and that agrees to participate in the program and that provides securities acceptable to the pooled money investment board pursuant to article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

(d) "extraordinary utility costs loan deposit" means an investment account placed by the director of investments under the provisions of article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto, with an eligible lending institution for the purpose of carrying out the intent of the Kansas extraordinary utility costs loan deposit program;

(e) "extraordinary utility costs loan deposit loan" or "loan" means a loan made by an eligible lending institution to an eligible borrower from the eligible lending institution's extraordinary utility cost loan deposit as part of the Kansas extraordinary utility costs loan deposit program;

(f) "extraordinary utility costs loan deposit loan package" means the forms provided by the state treasurer for the purpose of applying for an extraordinary utility costs loan deposit;

(g) "extraordinary utility costs loan deposit program" or "program" means a state-administered program in which eligible lenders are charged less than the market rate of interest and eligible borrowers receive a reduction in interest charged on a loan in the amount of the deposit;

New Sec. 3. (a) (1) The state treasurer is hereby authorized to administer the Kansas extraordinary utility costs loan deposit program.

(2) The program shall be for the purpose of providing incentives for the making of loans to eligible borrowers for extraordinary natural gas costs incurred during the extreme winter weather event of February 2021.

(3) The total aggregate amount of extraordinary utility costs loan deposit loans under the program shall not exceed the amount of unencumbered funds pursuant to article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto, certified by the state treasurer and directed to be reinvested pursuant to section 17, and amendments thereto.

(4) (A) Notwithstanding the provisions of any statute to the contrary, a school district, as defined in K.S.A. 72-6486, and amendments thereto, that is an eligible borrower is hereby authorized to enter into loan agreements under the program.

(B) The provisions and restrictions of the cash basis and budget laws of this state shall not apply to any loan received by a school district under the program.

(C) To the extent that any of the provisions of sections 1 through 7, and amendments thereto, conflict with the provisions of chapter 72 of the Kansas Statutes Annotated, and amendments thereto, the provisions of sections 1 through 7, and amendments thereto, shall control.

(D) Any loan made to a school district under the program shall not be considered

bonded indebtedness for the purpose of any statute imposing a limitation on indebtedness of a school district.

(b) The state treasurer shall adopt all rules and regulations necessary to enact and administer the provisions of the Kansas extraordinary utility costs loan deposit program. Such rules and regulations shall be adopted not later than February 1, 2022.

(c) The state treasurer shall submit an annual report to the governor and the legislature identifying the eligible lending institutions that are participating in the program and the eligible borrowers who have received an extraordinary utility costs loan deposit loan. The annual report shall provide the aggregate amount of moneys loaned and the amount of moneys still available for loan, if any. Such report shall be due on or before January 1, 2023, and each January 1 thereafter.

(d) The legislature shall perform a review of the program as a part of the state treasurer's annual report on or after January 1, 2024.

New Sec. 4. (a) The state treasurer is hereby authorized to disseminate information and to provide extraordinary utility costs loan deposit loan packages to the lending institutions eligible for participation in the Kansas extraordinary utility costs loan deposit program.

(b) The extraordinary utility costs loan deposit loan package shall be completed by the eligible borrower before being forwarded to the lending institution for consideration.

(c) (1) An eligible lending institution that agrees to receive an extraordinary utility costs loan deposit shall accept and review applications for loans from eligible borrowers.

(2) The lending institution shall apply all usual lending standards to determine the creditworthiness of eligible borrowers.

(3) No single extraordinary utility costs loan deposit loan shall exceed \$500,000.

(4) Only one extraordinary utility costs loan deposit loan shall be made and be outstanding at any one time to any eligible borrower.

(5) No loan shall be amortized for a period of more than three years.

(d) An eligible borrower shall certify on the loan application that the reduced rate loan will be used exclusively for the expenses involved in the borrower's utility costs in Kansas incurred during the extreme winter weather event of February 2021.

(e) The eligible lending institution may approve or reject an extraordinary utility costs loan deposit loan package based on the lending institution's evaluation of the eligible borrowers included in the package, the amount of the individual loan in the package and other appropriate considerations.

(f) The eligible lending institution shall forward to the state treasurer an approved extraordinary utility costs loan deposit loan package in the form and manner prescribed and approved by the state treasurer. The package shall include information regarding the amount of the loan requested by each eligible borrower and such other information regarding each eligible borrower that the state treasurer may require. Such package shall include a certification by the applicant that such applicant is an eligible borrower.

New Sec. 5. (a) The state treasurer may accept or reject an extraordinary utility costs loan deposit loan package based on the state treasurer's evaluation of whether the loan to the eligible borrower meets the requirements of the Kansas extraordinary utility costs loan deposit program. If sufficient funds are not available for an extraordinary utility costs loan deposit, then the applications may be considered in the order received

when funds are once again available, subject to a review by the lending institution. The fact that an eligible borrower received a loan under the Kansas economic recovery loan deposit program shall not preclude such eligible borrower from receiving a loan under this program.

(b) Upon acceptance, the state treasurer shall certify to the director of investments the amount required for such extraordinary utility costs loan deposit loan package, and the director of investments shall place an extraordinary utility costs loan deposit in the amount certified by the state treasurer with the eligible lending institution at an interest rate that is 2% below the market rate as provided in K.S.A. 75-4237, and amendments thereto, and that shall be recalculated on the first business day of January of each year using the market rate then in effect. The minimum interest rate shall be 0.25% if the market rate is below 2.25%. When necessary, the state treasurer may request the director of investments to place such extraordinary utility costs loan deposit with the eligible lending institution prior to acceptance of an extraordinary utility costs loan deposit loan package.

(c) The eligible lending institution shall enter into an extraordinary utility costs loan deposit agreement with the state treasurer. Such agreement shall include requirements necessary to implement the purposes of the Kansas extraordinary utility costs loan deposit program. Such requirements shall include an agreement by the eligible lending institution to lend an amount equal to the extraordinary utility costs loan deposit to eligible borrowers at an interest rate that is not more than 3% greater than the interest rate on extraordinary utility costs loan deposits as provided in subsection (b). Such rate shall be recalculated on the first business day of January of each year using the market rate then in effect. The agreement shall include provisions for the extraordinary utility costs loan deposit to be placed for a period of time not to exceed three years and that is considered appropriate in coordination with the underlying extraordinary utility costs loan. The agreement shall include provisions for the reduction of the extraordinary utility costs loan deposit in an amount equal to any payment of loan principal by the eligible borrower.

New Sec. 6. Upon the placement of an extraordinary utility costs loan deposit with an eligible lending institution, the institution shall fund the loan to each approved eligible borrower listed in the extraordinary utility costs deposit loan package in accordance with the extraordinary utility costs loan deposit agreement between the institution and the state treasurer. The loan shall be at a rate as provided in section 5(c), and amendments thereto. A certification of compliance with this section in the form and manner as prescribed by the state treasurer shall be required of the eligible lending institution.

New Sec. 7. The state of Kansas and the state treasurer shall not be liable to any eligible lending institution in any manner for payment of the principal or interest on any extraordinary utility costs loan deposit loan to an eligible borrower. Any delay in payments or default by an eligible borrower does not in any manner affect the extraordinary utility costs loan deposit agreement between the eligible lending institution and the state treasurer.

New Sec. 8. (a) Sections 8 through 14, and amendments thereto, shall be known and may be cited as the Kansas economic recovery loan deposit program.

(b) The Kansas economic recovery loan deposit program shall be a part of and supplemental to article 42 of chapter 75 of the Kansas Statutes Annotated, and

amendments thereto.

New Sec. 9. As used in the Kansas economic recovery loan deposit program:

(a) "Director of investments" means the person appointed as the director of investments pursuant to K.S.A. 75-4222, and amendments thereto;

(b) "economic recovery loan deposit" means an investment account placed by the director of investments under the provisions of article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto, with an eligible lending institution for the purpose of carrying out the intent of the Kansas economic recovery loan deposit program;

(c) "economic recovery loan deposit loan" or "loan" means a loan made by an eligible lending institution to an eligible borrower from the eligible lending institution's economic recovery loan deposit as part of the economic recovery loan deposit program;

(d) "economic recovery loan deposit loan package" means the forms provided by the state treasurer for the purpose of applying for an economic recovery loan deposit;

(e) "economic recovery loan deposit program" or "program" means a state-administered program in which eligible lenders are charged less than the market rate of interest and eligible borrowers receive a reduction in interest charged on a loan in the amount of the deposit;

(f) "eligible borrower" means any individual or entity operating a business primarily for commercial or agricultural purposes with not more than 200 full-time employees maintaining offices or operating facilities and transacting business in the state of Kansas and is not an individual obtaining a loan primarily for personal, family or household purposes; and

(g) "eligible lending institution" means a financial institution that is:

(1) A bank, as defined under K.S.A. 75-4201, and amendments thereto, that agrees to participate in the program and is eligible to be a depository of state funds;

(2) a credit union, as defined under K.S.A. 17-2231, and amendments thereto, that agrees to participate in the program and that provides securities acceptable to the pooled money investment board pursuant to article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto; or

(3) an institution of the farm credit system organized under the federal farm credit act of 1971, 12 U.S.C. § 2001, as in effect on the effective date of this act, having at least one branch in the state of Kansas, that agrees to participate in the program and that provides securities acceptable to the pooled money investment board pursuant to article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 10. (a) (1) The state treasurer is hereby authorized to administer the Kansas economic recovery loan deposit program.

(2) The program shall be for the purpose of providing incentives for the making of business loans.

(3) The total aggregate amount of economic recovery loan deposit loans under the program shall not exceed \$60,000,000 of unencumbered funds pursuant to article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

(b) The state treasurer shall adopt all rules and regulations necessary to implement and administer the provisions of the Kansas economic recovery loan deposit program. Such rules and regulations shall be adopted not later than February 1, 2022.

(c) The state treasurer shall submit an annual report to the governor and the legislature identifying the eligible lending institutions that are participating in the

program and the eligible borrowers who have received an economic recovery loan deposit loan. The annual report shall provide the aggregate amount of moneys loaned and the amount of moneys still available for loan, if any. Such report shall be due on or before January 1, 2023, and each January 1 thereafter.

(d) The legislature shall perform a review of the program as a part of the state treasurer's annual report on or after January 1, 2024.

New Sec. 11. (a) The state treasurer is hereby authorized to disseminate information and to provide economic recovery loan deposit loan packages to the lending institutions eligible for participation in the Kansas economic recovery loan deposit program.

(b) The economic recovery loan deposit loan package shall be completed by the eligible borrower before being forwarded to the lending institution for consideration.

(c) (1) An eligible lending institution that agrees to receive an economic recovery loan deposit shall accept and review applications for loans from eligible borrowers.

(2) The lending institution shall apply all usual lending standards to determine the creditworthiness of eligible borrowers.

(3) No single economic recovery loan deposit loan shall exceed \$250,000.

(4) Only one economic recovery loan deposit loan shall be made and be outstanding at any one time to any eligible borrower.

(5) No loan shall be amortized for a period longer than 10 years.

(d) An eligible borrower shall certify on the loan application that the reduced rate loan will be used exclusively for the expenses involved in operating the borrower's business in Kansas.

(e) The eligible lending institution may approve or reject an economic recovery loan deposit loan package based on the lending institution's evaluation of the eligible borrowers included in the package, the amount of the individual loan in the package and other appropriate considerations.

(f) The eligible lending institution shall forward to the state treasurer an approved economic recovery loan deposit loan package in the form and manner prescribed and approved by the state treasurer. The package shall include information regarding the amount of the loan requested by each eligible borrower and such other information regarding each eligible borrower that the state treasurer may require. Such package shall include a certification by the applicant that such applicant is an eligible borrower.

New Sec. 12. (a) The state treasurer may accept or reject an economic recovery loan deposit loan package based on the state treasurer's evaluation of whether the loan to the eligible borrower meets the requirements of the Kansas economic recovery loan deposit program. If sufficient funds are not available for an economic recovery loan deposit, then the applications may be considered in the order received when funds are once again available, subject to a review by the lending institution. The fact that an eligible borrower received a loan under the Kansas extraordinary utility costs loan deposit program shall not preclude such eligible borrower from receiving a loan under this program.

(b) Upon acceptance, the state treasurer shall certify to the director of investments the amount required for such economic recovery loan deposit loan package, and the director of investments shall place an economic recovery loan deposit in the amount certified by the state treasurer with the eligible lending institution at an interest rate that is 2% below the market rate as provided in K.S.A. 75-4237, and amendments thereto,

and that shall be recalculated on the first business day of January of each year using the market rate then in effect. The minimum interest rate shall be 0.25% if the market rate is below 2.25%. When necessary, the state treasurer may request the director of investments to place such economic recovery loan deposit with the eligible lending institution prior to acceptance of an economic recovery loan deposit loan package.

(c) The eligible lending institution shall enter into an economic recovery loan deposit agreement with the state treasurer. Such agreement shall include requirements necessary to implement the purposes of the Kansas economic recovery loan deposit program. Such requirements shall include an agreement by the eligible lending institution to lend an amount equal to the economic recovery loan deposit to eligible borrowers at an interest rate that is not more than 3% greater than the interest rate on economic recovery loan deposits as provided in subsection (b). Such rate shall be recalculated on the first business day of January of each year using the market rate then in effect. The agreement shall include provisions for the economic recovery loan deposit to be placed for a period of time not to exceed 10 years that is considered appropriate in coordination with the underlying economic recovery loan. The agreement shall include provisions for the reduction of the economic recovery loan deposit in an amount equal to any payment of loan principal by the eligible borrower.

New Sec. 13. Upon the placement of an economic recovery loan deposit with an eligible lending institution, the institution shall fund the loan to each approved eligible borrower listed in the economic recovery deposit loan package in accordance with the economic recovery loan deposit agreement between the institution and the state treasurer. The loan shall be at a rate as provided in section 12(c), and amendments thereto. A certification of compliance with this section in the form and manner as prescribed by the state treasurer shall be required of the eligible lending institution.

New Sec. 14. The state of Kansas and the state treasurer shall not be liable to any eligible lending institution in any manner for payment of the principal or interest on any economic recovery loan deposit loan to an eligible borrower. Any delay in payments or default on the part of an eligible borrower does not in any manner affect the economic recovery loan deposit agreement between the eligible lending institution and the state treasurer.

Sec. 15. Section 1 of 2021 Senate Bill No. 88 is hereby amended to read as follows: Section 1. (a) Sections ~~15~~ through ~~620~~, and amendments thereto, shall be known and may be cited as the city utility low-interest loan program.

(b) The city utility low-interest loan program shall be a part of and supplemental to article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 16. Section 2 of 2021 Senate Bill No. 88 is hereby amended to read as follows: Section 2. As used in the city utility low-interest loan program:

(a) "City" means a city organized and existing under the laws of Kansas or a municipal energy agency as defined in K.S.A. 12-886, and amendments thereto;

(b) "director of investments" means the person appointed as the director of investments pursuant to K.S.A. 75-4222, and amendments thereto;

(c) "loan" means a deposit of unencumbered state funds to a city pursuant to the program; and

(d) "program" means the city utility low-interest loan program.

Sec. 17. Section 3 of 2021 Senate Bill No. 88 is hereby amended to read as follows: Section 3. (a) (1) The state treasurer is hereby authorized to administer the city utility

low-interest loan program. The state treasurer and any city are hereby authorized to enter into binding commitments for the provision and receipt of loans in accordance with the provisions of this program.

(2) The program shall be for the purpose of providing loans to cities for extraordinary electric or natural gas costs incurred during the extreme winter weather event of February 2021.

(3) (A) The total aggregate amount of loans under the program shall not exceed \$100,000,000 of unencumbered funds pursuant to article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

(B) On the effective date of this act, the state treasurer shall certify to the director of investments the amount of \$20,000,000 of unencumbered funds under the program. Upon receipt of such certification, the director of investments shall reinvest such certified amount in accordance with the Kansas extraordinary utility costs loan deposit program, sections 1 through 7, and amendments thereto.

(C) On June 1, 2021, the state treasurer shall certify to the director of investments the amount of any remaining unencumbered funds under the program. Upon receipt of such certification, the director of investments shall reinvest such certified amount in accordance with the Kansas extraordinary utility costs loan program, sections 1 through 7, and amendments thereto.

(4) Any loans received by a city under the provisions of the program shall be construed as bonds for the purposes of K.S.A. 10-1116, and amendments thereto.

(b) The state treasurer shall adopt all rules and regulations necessary to administer the provisions of the program including the development of a streamlined application process. Such rules and regulations shall be adopted not later than January 1, 2022, except that such streamlined application process shall be established within 14 days from ~~the effective date of this act~~ March 4, 2021. The adoption of such rules and regulations shall not be a prerequisite for the approval of loans by the state treasurer under the program. The state treasurer shall approve loans under the program in the most expeditious manner possible on or after ~~the effective date of this act~~ March 4, 2021.

(c) The state treasurer shall submit an annual report to the governor and the legislature identifying the cities that are participating in the program. Such annual report shall provide the aggregate amount of moneys loaned ~~and the amount of moneys still available for loan, if any~~. Such report shall be due on or before January 1, 2022, and each January 1 thereafter.

(d) The legislature shall perform a review of the program as part of the state treasurer's annual report on or after January 1, 2024.

Sec. 18. Section 4 of 2021 Senate Bill No. 88 is hereby amended to read as follows: Section 4. (a) The state treasurer is hereby authorized to disseminate information and to provide loan applications as soon as practicable on or after ~~the effective date of this act~~ March 4, 2021, to cities for participation in the program.

(b) A city shall forward to the state treasurer an application in the form and manner prescribed and approved by the state treasurer. The application shall include information regarding the amount of the loan requested by the city and such other information that the state treasurer may require, including, but not limited to, the specific fund or account of the city in which loan proceeds shall be deposited. Such application shall contain a certification by the governing body of the city that, if the city receives any

federal moneys related to the extreme winter weather event of February 2021, the first priority for expenditure of such moneys shall be for the payment of any outstanding balance of a loan made to the city under the program.

(c) The loan shall be only for those extraordinary electric or natural gas costs incurred during the extreme winter weather event of February 2021, as certified by the governing body of the city, and not for any other utility costs previously budgeted for by the city.

(d) No loan shall be amortized for a period of more than 10 years. Payments on such loan ~~shall not be required to be made more frequently than annually but~~ may be made ~~more frequently~~ monthly, quarterly or semi-annually upon execution of an agreement between the city and the state treasurer.

(e) The state treasurer may create a lien against the city's utility revenue and surcharges to satisfy any outstanding loan balance. Any city that receives a loan under the program shall apply the proceeds of any lawsuit or restitution relating to the extraordinary electric or natural gas costs incurred during the extreme winter weather event of February 2021 to the payment of any outstanding loan balance.

(f) Not more than \$20,000,000 of loans shall be approved by the state treasurer under the program on and after the effective date of this act, and no loans shall be approved by the state treasurer under the program on and after June 1, 2021.

Sec. 19. Section 5 of 2021 Senate Bill No. 88 is hereby amended to read as follows: Section 5. (a) The state treasurer may accept or reject an application based on the state treasurer's evaluation of whether the city meets the requirements of the program. If sufficient funds are not available for a loan, the applications may be considered in the order received when funds are once again available.

(b) Upon acceptance of an application, the state treasurer shall certify to the director of investments the amount required for such loan and the director of investments shall place a deposit of such certified amount with the specific fund or account of the city indicated in the loan application and approved by the state treasurer. The interest rate on a loan shall be 2% below the market rate as provided in K.S.A. 75-4237, and amendments thereto, and shall be recalculated on the first business day of January of each year using the market rate then in effect. The minimum interest rate shall be 0.25% if the market rate is below 2.25%. When necessary, the state treasurer may request the director of investments to place such deposit with the city prior to approval of an application.

(c)(1) The treasurer of each city shall remit to the state fiscal agent at least 20 days before the due date of a loan payment, payable at the office of the state treasurer as fiscal agent, sufficient moneys for such loan payment. The treasurer of any city, in lieu of remitting such moneys to the state fiscal agent at such time, may provide the state fiscal agent with electronic fund transfer instructions on forms prescribed by the state treasurer that shall certify that there will be funds on deposit on the transaction date sufficient for the loan payment and that such funds will either reach the office of the state fiscal agent on or before 12 noon of the third working day before the due date of such loan payment or reach the office of the state fiscal agent on or before 12 noon of the first working day before the due date of such loan payment, if such funds are transferred to the state fiscal agent electronically. Upon receipt of such certification, the state fiscal agent shall file the same in the office of the state fiscal agent.

(2) When a city needs moneys that are in the county treasury to make a loan

payment, the treasurer of such city shall make a written request of the county treasurer for the amount needed not later than 25 days prior to the due date of such loan payment. Not later than two days following the receipt of such request, the county treasurer shall forward to the treasurer of the city the amount requested, if the county treasurer has collected such moneys for such purpose. If the full amount of such a request is not in the county treasury, the county treasurer shall forward the portion that is in the county treasurer's possession for such purpose.

(3) When a county treasurer is charged with the collection of tax moneys for a city, the territory of which is in more than one county, such treasurer shall forward any such funds when collected to the proper county treasurer as soon as practical but not later than two days following receipt of a request from the county treasurer to whom they are to be forwarded.

(4) Failure to pay loan payment moneys when due is:

(A) Failure of a county treasurer to forward moneys in the county treasury when requested as provided in this section;

(B) failure of the treasurer of a city or any county treasurer to make timely request for moneys as provided in this subsection; or

(C) failure of the treasurer of a city to make timely remittance of moneys for payment of loans under this program when such moneys are available for such remittance.

(5) Failure to pay loan payment moneys when due is a class C misdemeanor.

(d) All moneys received by the state treasurer from cities for payment of loans made under the program shall be deposited in the state treasury to the credit of the pooled money investment portfolio.

Sec. 20. Section 6 of 2021 Senate Bill No. 88 is hereby amended to read as follows: Section 6. (a) To the extent that any provisions of sections ~~15~~ through ~~6 20~~, and amendments thereto, conflict with the provisions of article 42 of chapter 75 of the Kansas Statutes Annotated, or any other provision of law, the provisions of sections ~~15~~ through ~~6 20~~, and amendments thereto, shall control.

(b) Any loan made to a city under the program shall not be considered bonded indebtedness for the purposes of K.S.A. 10-308, and amendments thereto, or any other statute imposing a limitation on indebtedness of a city.

Sec. 21. K.S.A. 10-130 is hereby amended to read as follows: 10-130. (a) The treasurer of each municipality shall remit to the state fiscal agent at least 20 days before the day of maturity of any bonds or the interest thereon, payable at the office of the state treasurer as fiscal agent, sufficient moneys for the redemption of such bonds and the payment of the interest thereon. The treasurer of any municipality, in lieu of remitting such moneys to the state fiscal agent at such time, may provide the state fiscal agent with ~~a certificate of a state or national bank or state or federally chartered savings and loan association that there are on deposit in such bank or savings and loan association;~~ held in trust for such state fiscal agent, funds in the form of cash or securities of the United States government, electronic fund transfer instructions on forms prescribed by the state treasurer that shall certify that there will be funds on deposit on the transaction date sufficient for the redemption of such bonds or the payment of the interest thereon, and that such funds will either reach the office of the state fiscal agent on or before 12 ~~o'clock~~ noon of the third working day before the day of maturity of such bonds or the interest thereon or reach the office of the state fiscal agent on or before 12 ~~o'clock~~ noon

of the first working day before the day of maturity of such bonds or the interest thereon, if such funds are transferred to the state fiscal agent electronically. Upon receipt of such ~~certificate~~ certification, the state fiscal agent shall file the same in the office of the state fiscal agent.

(b) When a municipality needs moneys that are in the county treasury to redeem any bonds or to pay the interest thereon, the treasurer of such municipality shall make a written request of the county treasurer for the amount needed not later than 25 days prior to the maturity date of the bonds or the interest thereon. Not later than two days following the receipt of such request the county treasurer shall forward to the treasurer of the municipality the amount requested, if the county treasurer has collected the same for such purpose. If the full amount of such a request is not in the county treasury, the county treasurer shall forward that portion that is in the county treasurer's possession for such purpose.

(c) When a county treasurer is charged with the collection of tax moneys for a municipality, the territory of which is in more than one county, such treasurer shall forward any such funds when collected to the proper county treasurer as soon as practical, or not later than two days following receipt of a request from the county treasurer to whom they are to be forwarded.

(d) Failure to pay bond moneys when due is any of the following:

(1) Failure of a county treasurer to forward moneys in the county treasury when requested as provided in this section; ~~or~~

(2) failure of the treasurer of a municipality or any county treasurer to make timely request for moneys as provided in this section; or

(3) failure of the treasurer of a municipality to make timely remittance of moneys for redemption of bonds or to pay the interest thereon, when such moneys are available for such remittance.

(e) Failure to pay bond or interest moneys when due is a class C misdemeanor.

Sec. 22. K.S.A. 75-4218 is hereby amended to read as follows: 75-4218. (a) All state bank accounts shall be secured as provided in this section.

The bank, savings bank or savings and loan association receiving or having a state bank account shall deposit, maintain, pledge, assign, and grant a security interest in, or cause its agent, trustee, wholly-owned subsidiary, or affiliate having identical ownership to deposit, maintain, pledge, assign, and grant a security interest in, for the benefit of the state of Kansas, in the manner provided in this act, securities owned by the depository bank directly or indirectly through its agent or trustee holding securities on its behalf, or owned by the depository bank's wholly-owned subsidiary or by such affiliate, the market value of which is equal to 100% of the amount of the account plus accrued interest, less that portion of the amount of the account plus accrued interest which is insured by the federal deposit insurance corporation or its successor.

(b) All securities securing state bank accounts shall be deposited in a securities account with a bank having the prior approval of the board, a credit union having the prior approval of the board, the federal home loan bank of Topeka or with the state treasurer pursuant to a written custodial agreement, and a receipt taken therefor with one copy going to the treasurer and one copy going to the bank, savings bank or savings and loan association which has secured such state bank account. The receipt shall identify the securities which are subject to a security interest to secure payment of the state bank account. This section shall not prohibit any custodial bank receiving

securities on deposit from issuing a receipt and depositing securities identified in the receipt in such bank's account with any bank chartered in Kansas or any other state, any trust company chartered in Kansas or any other state, any national bank, or any centralized securities depository wherever located within the United States. No securities securing state bank accounts shall be deposited in any bank, trust company or national bank which is owned directly or indirectly by any parent corporation of the depository bank, or with any bank, trust company, or national bank having common controlling shareholders, having a common majority of the board of directors or having common directors with the ability to control or influence directly or indirectly the acts or policies of the bank, savings and loan association or savings bank securing such state bank account. Any custodial bank which releases securities securing a state bank account without being authorized to do so under the custodial agreement shall be liable to the state for any loss to the state resulting therefrom.

(c) Securities securing state bank accounts may be deposited with the federal reserve bank of Kansas City to be there held in such manner, under regulations and operating letters of the federal reserve bank, as to secure payment of the state bank account in the depository bank.

(d) The depository bank, and any agent, trustee, wholly-owned subsidiary or affiliate having identical ownership granting a security interest shall enter into a written agreement with the state of Kansas granting the state of Kansas a security interest in the securities to secure payment of the state bank account. Such security interest shall be perfected by the depository bank and any agent, trustee, wholly-owned subsidiary or affiliate having identical ownership granting a security interest causing control of the securities under the Kansas uniform commercial code to be given to the state of Kansas. The security agreement and the custodial agreement shall be in writing, executed by all parties thereto, maintained as part of their official records, and, except for the state of Kansas, approved by their boards of directors or their loan committees, which approvals shall be reflected in the minutes of the boards or committees.

Sec. 23. K.S.A. 75-4237, as amended by section 7 of 2021 Senate Bill No. 88, is hereby amended to read as follows: 75-4237. (a) The director of investments shall accept requests from banks interested in obtaining investment accounts of state moneys. Such requests may be submitted any business day and shall specify the dollar amount and maturity. The director of investments is authorized to award the investment account to the requesting bank at the market rate established by subsection (b). Awards of investment accounts pursuant to this section shall be subject to investment policies of the pooled money investment board. When multiple requests are received and are in excess of the amount available for investment that day for any maturity, awards shall be made available in ascending order from smallest to largest dollar amount requested, subject to investment policies of the board.

(b) The market rate shall be determined each business day by the director of investments, in accordance with any procedures established by the pooled money investment board. Subject to any policies of the board, the market rate shall reflect the highest rate at which state moneys can be invested on the open market in investments authorized by K.S.A. 75-4209(a), and amendments thereto, for equivalent maturities.

(c) (1) Notwithstanding the provisions of this section, linked deposits made pursuant to the provisions of K.S.A. 2-3703 through 2-3707, and amendments thereto, shall be at an interest rate that is 2% less than the market rate determined under this

section and that shall be recalculated on the first business day of each calendar year using the market rate then in effect.

(2) Notwithstanding the provisions of this section, agricultural production loan deposits made pursuant to the provisions of K.S.A. 75-4268 through 75-4274, and amendments thereto, shall be at an interest rate that is 2% less than the market rate provided by this section and that shall be recalculated on the first business day of each calendar year using the market rate then in effect.

(3) Notwithstanding the provisions of this section, loan deposits made pursuant to the city utility low-interest loan program shall be at an interest rate that is 2% less than the market rate provided by this section and that shall be recalculated on the first business day of each calendar year using the market rate then in effect.

(4) Notwithstanding the provisions of this section, economic recovery loan deposits made pursuant to the Kansas economic recovery loan deposit program shall be at an interest rate that is 2% less than the market rate provided by this section and that shall be recalculated on the first business day of each calendar year using the market rate then in effect.

(5) Notwithstanding the provisions of this section, extraordinary utility costs loan deposits made pursuant to the Kansas extraordinary utility costs loan deposit program shall be at an interest rate that is 2% less than the market rate provided by this section and that shall be recalculated on the first business day of each calendar year using the market rate then in effect.

(d) (1) The director of investments may place deposits through a selected bank, savings and loan association or savings bank that is part of a reciprocal deposit program in which the bank, savings and loan association or savings bank:

(A) Receives reciprocal deposits from other participating institutions located in the United States in an amount equal to the amount of funds deposited by the municipal corporation or quasi-municipal corporation; and

(B) for which the total cumulative amount of each deposit does not exceed the maximum deposit insurance amount for one depositor at one financial institution as determined by the federal deposit insurance corporation.

(2) Such deposits shall not be treated as securities and need not be secured as provided in this or any other act, except that such deposits shall be secured as provided in K.S.A. 75-4218, and amendments thereto, when they are held by the selected financial institution prior to placement with reciprocal institutions or upon maturity.

(e) The pooled money investment board shall establish procedures for administering reciprocal deposit programs in its investment policies, as authorized by K.S.A. 75-4232, and amendments thereto.

Sec. 24. K.S.A. 10-130, 75-4218 and 75-4237, as amended by section 7 of 2021 Senate Bill No. 88, and section 1 of 2021 Senate Bill No. 88, section 2 of 2021 Senate Bill No. 88, section 3 of 2021 Senate Bill No. 88, section 4 of 2021 Senate Bill No. 88, section 5 of 2021 Senate Bill No. 88 and section 6 of 2021 Senate Bill No. 88 are hereby repealed.

Sec. 25. On July 1, 2021, K.S.A. 75-4237, as amended by section 9 of 2021 Senate Bill No. 15, and section 1 of 2021 Senate Bill No. 15, section 2 of 2021 Senate Bill No. 15, section 3 of 2021 Senate Bill No. 15, section 4 of 2021 Senate Bill No. 15, section 5 of 2021 Senate Bill No. 15, section 6 of 2021 Senate Bill No. 15 and section 7 of 2021 Senate Bill No. 15 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3; in line 4, by striking all before the period and inserting "the state treasurer; relating to certain programs under the administration thereof; city utility low-interest loan program; providing for electronic repayment of loans; cash basis exception; payment frequency; loan security; ending date for making loans; establishing the Kansas extraordinary utility costs loan deposit program; Kansas economic recovery loan deposit program; amending K.S.A. 10-130, 75-4218 and 75-4237, as amended by section 7 of 2021 Senate Bill No. 88, and section 1 of 2021 Senate Bill No. 88, section 2 of 2021 Senate Bill No. 88, section 3 of 2021 Senate Bill No. 88, section 4 of 2021 Senate Bill No. 88, section 5 of 2021 Senate Bill No. 88 and section 6 of 2021 Senate Bill No. 88 and repealing the existing sections; also repealing K.S.A. 75-4237, as amended by section 9 of 2021 Senate Bill No. 15, and section 1 of 2021 Senate Bill No. 15, section 2 of 2021 Senate Bill No. 15, section 3 of 2021 Senate Bill No. 15, section 4 of 2021 Senate Bill No. 15, section 5 of 2021 Senate Bill No. 15, section 6 of 2021 Senate Bill No. 15 and section 7 of 2021 Senate Bill No. 15";

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

JIM KELLY

NICK HOHEISEL

RUI XU

*Conferees on part of House*

JEFF LONGBINE

MICHAEL FAGG

JEFF PITTMAN

*Conferees on part of Senate*

Senator Longbine moved the Senate adopt the Conference Committee Report on **SB 86**.

On roll call, the vote was: Yeas 36; Nays 2; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Steffen, Straub.

Absent or Not Voting: Billinger, Suellentrop.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

Mr. President: We are trying to solve a problem that is not ours to solve. The price gouging needs investigated and litigated, not wiped away by Government. It's unfortunate the Banker's Bill was attached, as it became collateral damage.—MARK STEFFEN

#### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate

amendments to **HB 2021** submits the following report:

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

On page 1, in line 7, before "Section" by inserting "New";

On page 3, following line 5, by inserting:

"Sec. 2. K.S.A. 75-4364 is hereby amended to read as follows: 75-4364. (a) As used in this section:

(1) "Dependent" means: (A) A birth child, adopted child or stepchild; or (B) any child other than the foregoing who is actually dependent in whole or in part on the individual and who is related to such individual by marriage or consanguinity.

(2) "Emergency medical service provider" means the same as defined in K.S.A. 65-6112, and amendments thereto.

(3) "Firefighter" means a person who is: (A) Employed by any city, county, township or other political subdivision of the state and who is assigned to the fire department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (B) a volunteer member of a fire district, fire department or fire company.

(4) "Kansas educational institution" means and includes community colleges, the municipal university, state educational institutions, the institute of technology at Washburn university and technical colleges.

(5) "Law enforcement officer" means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.

(6) "Military service" means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.

(7) "Prisoner of war" means any person who was a resident of Kansas at the time the person entered service of the United States armed forces and who, while serving in the United States armed forces, has been declared to be a prisoner of war, as established by the United States secretary of defense, after January 1, 1960.

(8) "Public safety officer" means a law enforcement officer ~~or~~, a firefighter ~~or~~, an emergency medical service provider or a public safety employee.

(9) "Resident of Kansas" means a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.

(10) "Spouse" means the spouse of a deceased public safety officer or deceased member of the military service who has not remarried.

(11) "State board" means the state board of regents.

(12) "Public safety employee" means any employee of a law enforcement office, sheriff's department, municipal fire department, volunteer and non-volunteer fire protection association, emergency medical services provider or correctional institution of the department of corrections.

(b) (1) Every Kansas educational institution shall provide for enrollment without

charge of tuition or fees for:

~~(1)~~(A) Any eligible dependent or spouse of a public safety officer who:  
 (i) Was injured or disabled while performing duties as a public safety officer; or  
 (ii) died as the result of injury sustained while performing duties as a public safety officer so long as such dependent or spouse is eligible;

~~(2)~~(B) any dependent or spouse of any resident of Kansas who:  
 (i) Died or was injured or disabled on or after September 11, 2001, while, and as a result of, serving in military service; or  
 (ii) is entitled to compensation for a service-connected disability of at least 80% because of a public statute administered by the department of veterans affairs or a military department as a result of injuries or accidents sustained in combat after September 11, 2001; and

~~(3)~~(C) any prisoner of war.

(2) Any such dependent or spouse and any prisoner of war shall be eligible for enrollment at a Kansas educational institution without charge of tuition or fees for not to exceed 10 semesters of undergraduate instruction, or the equivalent thereof, at all such institutions.

(c) Subject to appropriations therefor, any Kansas educational institution, at which enrollment, without charge of tuition or fees, of a prisoner of war or a dependent or spouse is provided for under subsection (b), may file a claim with the state board for reimbursement of the amount of such tuition and fees. In any fiscal year, such reimbursement shall not exceed a total of \$350,000. The state board shall include in its budget estimates pursuant to K.S.A. 75-3717, and amendments thereto, a request for appropriations to cover tuition and fee claims pursuant to this section. The state board shall be responsible for payment of reimbursements to Kansas educational institutions upon certification by each such institution of the amount of reimbursement to which entitled. Payments to Kansas educational institutions shall be made upon vouchers approved by the state board and upon warrants of the director of accounts and reports. Payments may be made by issuance of a single warrant to each Kansas educational institution at which one or more eligible dependents or spouses or prisoners of war are enrolled for the total amount of tuition and fees not charged for enrollment at that institution. The director of accounts and reports shall cause such warrant to be delivered to the Kansas educational institution at which any such eligible dependents or spouses or prisoners of war are enrolled. If an eligible dependent or spouse or prisoner of war discontinues attendance before the end of any semester, after the Kansas educational institution has received payment under this subsection, the institution shall pay to the state the entire amount that such eligible dependent or spouse or prisoner of war would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state in behalf of such dependent or spouse or prisoner of war for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

(d) The state board shall adopt rules and regulations for administration of the provisions of this section and shall determine the qualification of persons as dependents and spouses of public safety officers or United States military personnel and the eligibility of such persons for the benefits provided for under this section.

Sec. 3. K.S.A. 75-4364 is hereby repealed.;

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "public safety officers, military personnel, prisoners of war and veterans; expanding educational benefits for spouses and dependents of such officers and personnel who are injured while performing service-related duties; authorizing"; in line 4, after "council" by inserting "pertaining to such bonds; amending K.S.A. 75-4364 and repealing the existing section";

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

RICK BILLINGER

J.R. CLAEYS

TOM HAWK

*Conferees on part of Senate*

TROY WAYMASTER

KYLE HOFFMAN

KATHY WOLFE MOORE

*Conferees on part of House*

Senator Billinger moved the Senate adopt the Conference Committee Report on **HB 2021**.

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Baumgardner.

Absent or Not Voting: Billinger, Suellentrop.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2064** submits the following report:

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

On page 1, by striking all in lines 7 through 34;

By striking all on page 2;

On page 3, by striking all in lines 1 and 2; following line 2 by inserting:

"Section 1. (a) Section 1 et seq., and amendments thereto, shall be known and may be cited as the Kansas promise scholarship act.

(b) As used in the Kansas promise scholarship act:

(1) "Eligible postsecondary educational institution" means:

(A) Any community college or technical college established under the laws of this state;

(B) the Washburn institute of technology; or

(C) any not-for-profit institution of postsecondary education with its main campus or principal place of operation in Kansas that offers a promise eligible program, is

operated independently and not controlled or administered by any state agency or subdivision of the state, maintains open enrollment and is accredited by a nationally recognized accrediting agency for higher education in the United States.

(2) "Military servicemember" means the same as defined in K.S.A. 2020 Supp. 48-3406, and amendments thereto.

(3) "Part-time student" means a student who is enrolled for six credit hours or more in a semester and is not enrolled as a full-time student.

(4) "Promise eligible program" means any two-year associate degree program or career and technical education certificate or stand-alone program offered by an eligible postsecondary educational institution that is identified as a "promise eligible program" by the state board of regents pursuant to section 2, and amendments thereto, or designated as a "promise eligible program" by an eligible postsecondary educational institution pursuant to section 3, and amendments thereto.

Sec. 2. (a) There is hereby established the Kansas promise scholarship program. The state board of regents shall administer the program.

(b) On or before March 1, 2022, the state board of regents shall adopt rules and regulations to implement and administer the Kansas promise scholarship program. Such rules and regulations shall establish:

- (1) Scholarship application deadlines;
- (2) appeal procedures for denial or revocation of a Kansas promise scholarship;
- (3) guidelines to ensure as much as is practicable that, if a student who received a Kansas promise scholarship graduates from a promise eligible program and subsequently enrolls in a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or municipal university, any courses taken by such student shall be transferred to the state educational institution or municipal university and qualify toward the student's baccalaureate degree;
- (4) the terms, conditions and requirements that shall be incorporated into each Kansas promise scholarship agreement;
- (5) procedures for requesting and approving medical, military and personal absences from an eligible postsecondary educational institution while receiving a Kansas promise scholarship;
- (6) criteria for determining whether a student who received a Kansas promise scholarship fulfilled the residency, employment and repayment requirements included in a Kansas promise scholarship agreement as provided in section 6, and amendments thereto; and
- (7) criteria for determining when a student who received a Kansas promise scholarship may be released from the requirements of a Kansas promise scholarship, if there are special circumstances that caused such student to be unable to complete such requirements.

(c) The state board of regents shall:

- (1) Identify the promise eligible programs offered by each eligible postsecondary educational institution that are:
  - (A) In any of the following fields of study:
    - (i) Information technology and security;
    - (ii) mental and physical healthcare;
    - (iii) advanced manufacturing and building trades; or
    - (iv) early childhood education and development; or

(B) designated by the eligible postsecondary educational institution pursuant to section 3, and amendments thereto;

(2) work with community partners, such as community foundations, school districts, postsecondary educational institutions, Kansas business and industry and Kansas economic development organizations to publicize Kansas promise scholarships, including, but not limited to, publicizing eligible postsecondary educational institutions, approved scholarship-eligible educational programs, application procedures and application deadlines;

(3) disburse funds to each eligible postsecondary educational institution for the purpose of awarding Kansas promise scholarships;

(4) request information from eligible postsecondary educational institutions necessary for the administration of this act;

(5) ensure that any student who received a Kansas promise scholarship fulfills the residency, employment and repayment requirements provided in section 6, and amendments thereto; and

(6) beginning in January 2022, annually evaluate the Kansas promise scholarship program and prepare and submit a report to the senate standing committee on education and the house of representatives standing committee on education.

Sec. 3. (a) Subject to subsection (b), an eligible postsecondary educational institution may designate one additional promise eligible program if the additional program is a two-year associate degree program or a career and technical education certificate or stand-alone program that corresponds to a high wage, high demand or critical need occupation.

(b) To designate an additional promise eligible program, such institution shall have and maintain an existing promise eligible program in any of the following fields of study:

- (1) Information technology and security;
- (2) mental and physical healthcare;
- (3) advanced manufacturing and building trades; or
- (4) early childhood education and development.

(c) An eligible postsecondary educational institution that designates an additional promise eligible program pursuant to subsection (a) shall maintain the promise eligible program designation of such program for at least three consecutive years. After maintaining such program for at least three years, the institution may designate a new promise eligible program that corresponds to a high wage, high demand or critical need occupation to replace the existing designated promise eligible program. Any newly designated program shall be subject to the requirements of this section.

Sec. 4. (a) (1) Subject to appropriations, the amount of a Kansas promise scholarship for a student for each semester shall be the aggregate amount of tuition, required fees and the cost of books and required materials for the promise eligible program at the eligible postsecondary educational institution for the academic year in which the student is enrolled and receiving the scholarship minus the aggregate amount of all other aid awarded to such student for such semester. Aid includes any grant, scholarship or financial assistance awards that do not require repayment.

(2) If a student is enrolled in a promise eligible program offered by a four-year eligible postsecondary educational institution, the aggregate amount of tuition, mandatory fees and the cost of books and materials for such program shall be the

average cost of tuition, mandatory fees and the cost of books and materials for such promise eligible program when offered by an eligible public postsecondary educational institution that is not a four-year institution.

(b) Except as otherwise provided in this subsection, Kansas promise scholarships shall only be awarded to an eligible student whose family household income equals \$100,000 or less for a family of two, \$150,000 or less for a family of three and, for household sizes above three, a household income that is equal to or less than the family of three amount plus \$4,800 for each additional family member. If scholarship moneys remain in the Kansas promise scholarship program fund during the award year after awarding all other scholarships pursuant to this section, Kansas promise scholarships may be awarded to eligible students whose family household income exceeds such amounts.

(c) For fiscal years 2022 and 2023, the appropriation made for the Kansas promise scholarship program shall not exceed \$10,000,000. For fiscal year 2024 and each fiscal year thereafter, the appropriation shall not exceed 150% of the amount disbursed in promise scholarships for the immediately preceding fiscal year.

Sec. 5. (a) To be eligible for a Kansas promise scholarship, a student shall:

(1) Be a Kansas resident;  
(2) (A) have graduated from an accredited Kansas public or private secondary school within the preceding 12 months;

(B) have completed the requirements for graduation at a non-accredited private secondary school as provided in K.S.A. 72-4345, and amendments thereto, within the preceding 12 months;

(C) attended an accredited Kansas public or private secondary school or non-accredited private school as provided in K.S.A. 72-4345, and amendments thereto, and obtained a high school equivalency certificate within the preceding 12 months;

(D) be 21 years of age or older and, upon application for a scholarship, have been a resident of Kansas for three or more consecutive years; or

(E) be a dependent child of a military servicemember permanently stationed in another state and who, within the preceding 12 months, graduated from any out-of-state secondary school or obtained a high school equivalency certificate;

(3) complete the required scholarship application on such forms and in such manner as established by the state board of regents;

(4) enter into a Kansas promise scholarship agreement pursuant to section 6, and amendments thereto;

(5) complete the free application for federal student aid for the academic year in which the student applies to receive a Kansas promise scholarship; and

(6) enroll in an eligible postsecondary educational institution in a promise eligible program.

(b) To continue to receive a Kansas promise scholarship, a student shall:

(1) Maintain satisfactory academic progress toward completion of the promise eligible program; and

(2) satisfy the requirements of a Kansas promise scholarship agreement as provided in section 6, and amendments thereto.

(c) Nothing in this act shall prohibit a student who received postsecondary course credit while enrolled in high school from qualifying for a Kansas promise scholarship.

Sec. 6. (a) As a condition to receiving a Kansas promise scholarship, an eligible

student shall enter into a Kansas promise scholarship agreement with the eligible postsecondary educational institution making the scholarship award to such student. Such agreement shall require such student who receives a Kansas promise scholarship to:

(1) Enroll as a full-time or part-time student at the eligible postsecondary educational institution from which the student is receiving a Kansas promise scholarship and engage in and complete the required promise eligible program within 30 months of the date the scholarship was first awarded;

(2) within six months after graduation from the promise eligible program:

(A) Reside in and commence work in the state of Kansas for at least two consecutive years following completion of such program; or

(B) enroll as a full-time or part-time student in any public or private postsecondary educational institution with its primary location in Kansas and upon graduation or failure to re-enroll, reside in and commence work in Kansas for at least two consecutive years following the completion of such program;

(3) maintain records and make reports to the state board of regents on such forms and in such manner as required by the state board of regents to document the satisfaction of the requirements of this act; and

(4) upon failure to satisfy the requirements of a Kansas promise scholarship agreement, repay the amount of the Kansas promise scholarship the student received under the program as provided in subsection (b).

(b) (1) Except as provided in subsection (c), if any student who receives a Kansas promise scholarship fails to satisfy the requirements of a Kansas promise scholarship agreement, such student shall pay an amount equal to the total amount of money received by such student pursuant to such agreement that is financed by the state of Kansas plus accrued interest at a rate equivalent to the interest rate applicable to loans made under the federal PLUS program at the time such person first entered into an agreement. Installment payments of such amounts may be made in accordance with rules and regulations of the state board of regents. Such installment payments shall begin six months after the date of the action or circumstances that cause such student to fail to satisfy the requirements of a Kansas promise scholarship agreement, as determined by the state board of regents upon the circumstances of each individual case. All moneys received pursuant to this subsection 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 Kansas promise scholarship program fund.

(2) The state board of regents is authorized to turn any repayment account arising under this act to a designated loan servicer or collection agency, the state not being involved other than to receive payments from the loan servicer or collection agency at the interest rate prescribed under this subsection.

(c) Any requirement of a Kansas promise scholarship agreement entered into pursuant to this section may be postponed for good cause in accordance with rules and regulations of the state board of regents.

(d) A scholarship recipient satisfies the requirements of the Kansas promise scholarship program if such recipient:

(1) Completes the requirements of the scholarship agreement;

(2) commences service as a military servicemember after receiving a Kansas promise scholarship;

(3) fails to satisfy the requirements after making the best possible effort to do so as determined by the state board of regents;

(4) is unable to obtain employment or continue in employment after making the best possible effort to do so; or

(5) is unable to satisfy the requirements due to disability or death of the recipient.

Sec. 7. There is hereby created in the state treasury the Kansas promise scholarship program fund, which shall be administered by the state board of regents. All expenditures from the Kansas promise scholarship program fund shall be for scholarships awarded pursuant to the Kansas promise scholarship program. All expenditures from the Kansas promise scholarship program fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive officer of the state board or the designee of the executive officer. All moneys received by the board for the Kansas promise scholarship program shall be deposited in the state treasury 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 Kansas promise scholarship program fund.";

Also on page 3, in line 4, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3; in line 4, by striking all before the period and inserting "postsecondary education; creating the Kansas promise scholarship act and the Kansas promise scholarship fund";

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

MOLLY BAUMGARDNER

RENEE ERICKSON

DINAH SYKES

*Conferees on part of Senate*

SEAN TARWARTER

MARTY LONG

STEPHANIE CLAYTON

*Conferees on part of House*

Senator Baumgardner moved the Senate adopt the Conference Committee Report on **HB 2064**.

On roll call, the vote was: Yeas 35; Nays 0; Present and Passing 3; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Present and Passing: Gossage, Steffen, Straub.

Absent or Not Voting: Billinger, Suellentrop.

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2114** submits the following report:

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

On page 1, in line 6, before "Section" by inserting "New"; in line 26, by striking "the ranking minority" and inserting "a"; in line 27, after "welfare" by inserting ", appointed by the minority leader of the senate";

On page 4, following line 5, by inserting:

"New Sec. 2. (a) The attorney general shall appoint a Kansas elder and dependent adult abuse multidisciplinary team coordinator and, within the limits of appropriations available therefor, such additional staff as necessary to support the coordinator. The coordinator shall facilitate the convening of an elder and dependent adult abuse multidisciplinary team in each judicial district.

(b) (1) Such teams shall be composed of the following individuals, or their designee:

- (A) The sheriff of each county within the judicial district;
- (B) the county or district attorney of each county within the judicial district;
- (C) the secretary for children and families;
- (D) the secretary for aging and disability services; and
- (E) the state long-term care ombudsman.

(2) Such teams may also include the following individuals:

(A) A representative from any law enforcement agency not included in subsection (b)(1)(A);

(B) a medical provider;

(C) a legal services provider;

(D) a housing provider or representative of elder or dependent adult housing facilities;

- (E) the district coroner or a medical examiner;
- (F) a representative of the financial services or banking industry;
- (G) a representative of the area agencies on aging; or
- (H) any other individual deemed necessary by the team.

(c) Such team:

(1) Shall coordinate investigations of elder and dependent adult abuse as defined by K.S.A. 21-5417, 39-1401 et seq. and 39-1430 et seq., and amendments thereto; and

(2) may identify opportunities within local jurisdictions to improve policies and procedures in the notification and response to abuse, neglect and exploitation of elder or dependent adults, within the limits of local resources.

(d) Such team shall determine the the manner and frequency of meetings, but shall not meet less than quarterly. The team may create and enter into memorandums of understanding with any governmental agency or private entity deemed necessary by the team.

(e) All documents, materials or other information obtained by or discussed by the team shall be confidential and privileged and not be subject to the provisions of the Kansas open records act as provided by K.S.A. 45-215 et seq., and amendments thereto. The provisions of this subsection shall expire on July 1, 2026, unless the legislature

reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2026.

(f) Meetings conducted pursuant to this section shall not be subject to the provisions of the Kansas open meetings act as provided by K.S.A. 75-4317 et seq., and amendments thereto.

(g) On or before the first day of each regular session of the legislature, beginning with the 2022 regular session, the attorney general shall submit a report to the legislature on the implementation and use of the teams.

Sec. 3. K.S.A. 2020 Supp. 39-1430 is hereby amended to read as follows: 39-1430. As used in this act:

(a) "Act" means K.S.A. 39-1430 et seq., and amendments thereto.

(b) (1) "Adult" means ~~an individual~~ a person 18 years of age or older alleged to be unable to protect ~~their~~ such person's own interest and who is harmed or threatened with harm, whether financial, mental or physical in nature, through action or inaction by either another individual or through ~~their~~ such person's own action or inaction when:

~~(A)~~ (A) Such person is residing in such person's own home, the home of a family member or the home of a friend;

~~(B)~~ (B) such person resides in an adult family home as defined in K.S.A. 39-1501, and amendments thereto; or

~~(C)~~ (C) such person is receiving services through:

(i) A provider of community services and affiliates thereof operated or funded by the Kansas department for children and families; or

(ii) the Kansas department for aging and disability services or a residential facility licensed pursuant to K.S.A. 2020 Supp. 39-2001 et seq., and amendments thereto.

~~Such term shall~~ (2) "Adult" does not include persons to whom K.S.A. 39-1401 et seq., and amendments thereto, apply.

~~(c)~~ (c) "Abuse" means any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm to an adult, including:

(1) Infliction of physical or mental injury;

(2) any sexual act with an adult when the adult does not consent or when the other person knows or should know that the adult is incapable of resisting or declining consent to the sexual act due to mental deficiency or disease or due to fear of retribution or hardship;

(3) unreasonable use of a physical restraint, isolation or medication that harms or is likely to harm an adult;

(4) unreasonable use of a physical or chemical restraint, medication or isolation as punishment, for convenience, in conflict with a physician's orders or as a substitute for treatment, except where such conduct or physical restraint is in furtherance of the health and safety of the adult; or

(5) a threat or menacing conduct directed toward an adult that results or might reasonably be expected to result in fear or emotional or mental distress to an adult;

~~(6)~~ fiduciary abuse; or

~~(7)~~ omission or deprivation by a caretaker or another person of goods or services that are necessary to avoid physical or mental harm or illness.

~~(d)~~ (d) "Neglect" means the failure or omission by one's self, caretaker or another person with a duty to supply or provide goods or services that are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm or illness.

~~(d)~~(c) "Financial exploitation" means ~~misappropriation of an adult's property or intentionally taking unfair advantage of an adult's physical or financial resources for another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense by a caretaker or another person~~ the unlawful or improper use, control or withholding of an adult's property, income, resources or trust funds by any other person or entity in a manner that is not for the profit of or to the advantage of the adult. "Financial exploitation" includes, but is not limited to:

(1) The use of deception, intimidation, coercion, extortion or undue influence by a person or entity to obtain or use an adult's property, income, resources or trust funds in a manner for the profit of or to the advantage of such person or entity;

(2) the breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust or a guardianship or conservatorship appointment, as it relates to the property, income, resources or trust funds of the adult; or

(3) the obtainment or use of an adult's property, income, resources or trust funds, without lawful authority, by a person or entity who knows or clearly should know that the adult lacks the capacity to consent to the release or use of such adult's property, income, resources or trust funds.

~~(e) "Fiduciary abuse" means a situation in which any person who is the caretaker of, or who stands in a position of trust to, an adult, takes, secretes or appropriates their money or property to any use or purpose not in the due and lawful execution of such person's trust or benefit.~~

(f) "In need of protective services" means that an adult is unable to provide for or obtain services that are necessary to maintain physical or mental health or both.

(g) "Services that are necessary to maintain physical or mental health or both" include, but are not limited to, the provision of medical care for physical and mental health needs, the relocation of an adult to a facility or institution able to offer such care, assistance in personal hygiene, food, clothing, adequately heated and ventilated shelter, protection from health and safety hazards, protection from maltreatment the result of which includes, but is not limited to, malnutrition, deprivation of necessities or physical punishment and transportation necessary to secure any of the above stated needs, except that this term shall not include taking such person into custody without consent except as provided in this act.

(h) "Protective services" means services provided by the state or other governmental agency or by private organizations or individuals that are necessary to prevent abuse, neglect or financial exploitation. Such protective services ~~shall~~ include, but ~~shall~~ are not ~~be~~ limited to, evaluation of the need for services, assistance in obtaining appropriate social services and assistance in securing medical and legal services.

(i) "Caretaker" means a person who has assumed the responsibility, whether legally or not, for an adult's care or financial management or both.

(j) "Secretary" means the secretary for children and families.

(k) "Report" means a description or accounting of an incident or incidents of abuse, neglect or financial exploitation under this act and, for the purposes of this act ~~shall~~ does not include any written assessment or findings.

(l) "Law enforcement" means the public office that is vested by law with the duty to maintain public order, make arrests for crimes, investigate criminal acts and file

criminal charges, whether that duty extends to all crimes or is limited to specific crimes.

(m) "Involved adult" means the adult who is the subject of a report of abuse, neglect or financial exploitation under this act.

(n) "Legal representative," "financial institution" and "governmental assistance provider" mean the same as defined in K.S.A. 39-1401, and amendments thereto.

No person shall be considered to be abused, neglected or, financially exploited or in need of protective services for the sole reason that such person relies upon spiritual means through prayer alone for treatment in accordance with the tenets and practices of a recognized church or religious denomination in lieu of medical treatment.

Sec. 4. K.S.A. 2020 Supp. 39-1431 is hereby amended to read as follows: 39-1431.

~~(a) Any person who is licensed to practice any branch of the healing arts, a licensed psychologist, a licensed master level psychologist, a licensed clinical psychotherapist, the chief administrative officer of a medical care facility, a teacher, a licensed social worker, a licensed professional nurse, a licensed practical nurse, a licensed dentist, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, licensed professional counselor, licensed clinical professional counselor, registered alcohol and drug abuse counselor, a law enforcement officer, an emergency medical service provider, a case manager, a rehabilitation counselor, a bank trust officer or any other officers of financial institutions, a legal representative, a governmental assistance provider, an owner or operator of a residential care facility, an independent living counselor and the chief administrative officer of a licensed home health agency, the chief administrative officer of an adult family home and the chief administrative officer of a provider of community services and affiliates thereof operated or funded by the Kansas department for aging and disability services or licensed under K.S.A. 2019-Supp. 39-2001 et seq., and amendments thereto, who has reasonable cause to believe that an adult is being or has been abused, neglected or exploited or is in need of protective services shall report, immediately from receipt of the information, such information or cause a report of such information to be made in any reasonable manner.~~

(1) When any of the following persons has reasonable cause to suspect or believe that an adult is in need of protective services or being harmed as a result of abuse, neglect or financial exploitation, such person shall promptly report the matter as provided by the provisions of this section:

(A) Persons licensed to practice the healing arts;

(B) persons engaged in postgraduate training programs approved by the state board of healing arts;

(C) persons licensed by the Kansas dental board to engage in the practice of dentistry;

(D) persons licensed by the board of examiners in optometry to engage in the practice of optometry;

(E) persons licensed by the board of nursing to engage in the practice of nursing;

(F) chief administrative officers of medical care facilities;

(G) persons licensed by the behavioral sciences regulatory board to provide mental health services, including psychologists, masters level psychologists, bachelors level social workers, masters level social workers, clinical social workers, marriage and family therapists, clinical marriage and family therapists, professional counselors, clinical professional counselors, behavior analysts, addiction counselors and clinical addiction counselors;

(H) teachers, school administrators or other employees of any Kansas educational institution, as defined in K.S.A. 75-53.112, and amendments thereto, that the adult is attending;

(I) firefighters, law enforcement officers and emergency medical services personnel;

(J) court services officers, community corrections officers, case managers appointed under K.S.A. 23-3508, and amendments thereto, and mediators appointed under K.S.A. 23-3502, and amendments thereto;

(K) bank trust officers or any other officers of financial institutions;

(L) rehabilitation counselors;

(M) legal representatives;

(N) governmental assistance providers;

(O) independent living counselors;

(P) owners or operators of residential care facilities, as defined in K.S.A. 2020 Supp. 39-2002, and amendments thereto;

(Q) the chief administrative officer of a licensed home health agency, as defined in K.S.A. 65-5101, and amendments thereto;

(R) the chief administrative officer of an adult family home, as defined in K.S.A. 39-1501, and amendments thereto; and

(S) the chief administrative officer of any provider of community services and affiliates thereof operated or funded by the Kansas department for children and families or licensed under K.S.A. 39-2001 et seq., and amendments thereto.

(2) An employee of a domestic violence center shall not be required to report information or cause a report of information to be made under this subsection.

(b) Other state agencies receiving reports that are to be referred to the Kansas department for children and families and the appropriate law enforcement agency, shall submit the report to the department and agency within six hours, during normal work days, of receiving the information. Reports shall be made to the Kansas department for children and families during the normal working week days and hours of operation. Reports shall be made to law enforcement agencies during the time the Kansas department for children and families is not in operation. Law enforcement shall submit the report and appropriate information to the Kansas department for children and families on the first working day that the Kansas department for children and families is in operation after receipt of such information.

(b)(c) The report made pursuant to ~~subsection (a)~~ this section shall contain the name and address of the person making the report and of the caretaker caring for the involved adult, the name and address of the involved adult, information regarding the nature and extent of the abuse, neglect or financial exploitation, the name of the next of kin of the involved adult, if known, and any other information that the person making the report believes might be helpful in the investigation of the case and the protection of the involved adult.

(e)(d) Any other person, not listed in subsection (a), ~~having who has~~ reasonable cause to suspect or believe that an adult is being or has been ~~abused, neglected or exploited or is in need of protective services~~ harmed as a result of abuse, neglect or financial exploitation may report such information to the Kansas department for children and families. Reports shall be made to law enforcement agencies during the time the Kansas department for children and families is not in operation.

~~(d)~~(c) A person making a report under subsection (a) shall not be required to make a report under K.S.A. 39-1401 through 39-1410, and amendments thereto.

~~(e)~~(f) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or ~~cause~~ knowingly causes such report not to be made shall be guilty of a class B misdemeanor.

~~(f)~~(g) Notice of the requirements of this act and the department to which a report is to be made under this act shall be posted in a conspicuous public place in every adult family home as defined in K.S.A. 39-1501, and amendments thereto, and every provider of community services and affiliates thereof operated or funded by the Kansas department for aging and disability services or other facility licensed under K.S.A. 2020 Supp. 39-2001 et seq., and amendments thereto, and other institutions included in subsection (a).

Sec. 5. K.S.A. 2020 Supp. 39-1433 is hereby amended to read as follows: 39-1433.

(a) The Kansas department for children and families, upon receiving a report that an adult is being; or has been ~~abused, neglected, or exploited or is in need of protective services;~~ harmed as a result of abuse, neglect or financial exploitation, shall:

(1) Immediately notify, in writing, the appropriate law enforcement agency when a criminal act has occurred or ~~has appeared~~ appears to have occurred, ~~immediately notify, in writing, the appropriate law enforcement agency;~~

(2) make a personal face-to-face visit with the involved adult:

(A) Within 24 hours when the information from the reporter indicates imminent danger to the health or welfare of the involved adult;

(B) within three working days for all reports of suspected abuse, when the information from the reporter indicates no imminent danger; and

(C) within five working days for all reports of neglect or financial exploitation when the information from the reporter indicates no imminent danger; and

(3) complete, within 30 working days of receiving a report of abuse or neglect and 60 working days of receiving a report of financial exploitation, a thorough investigation and evaluation to determine the situation relative to the condition of the involved adult and what action and services, if any, are required. The evaluation shall include, but not be limited to, consultation with those individuals having knowledge of the facts of the particular case. If conducting the investigation within the corresponding 30 or 60 working days would interfere with an ongoing criminal investigation, the time period for the investigation shall be extended, but the investigation and evaluation shall be completed within 90 working days. If a finding is made prior to the conclusion of the criminal investigation, the investigation and evaluation may be reopened and a new finding made based on any additional evidence provided as a result of the criminal investigation. If the alleged perpetrator is licensed, registered or otherwise regulated by a state agency, such state agency ~~also~~ shall be notified upon completion of the investigation or sooner if such notification does not compromise the investigation; and

(4) prepare, upon completion of the investigation of each case, a written assessment that shall include an analysis of whether there is or has been abuse, neglect or financial exploitation, recommended action, a determination of whether protective services are needed and any follow-up.

(b) The secretary for children and families shall forward any finding of abuse, neglect or financial exploitation alleged to have been committed by a provider of services licensed, registered or otherwise authorized to provide services in this state to

the appropriate state regulatory authority that regulates such provider. ~~The appropriate state regulatory authority may consider the finding in any disciplinary action taken with respect to the provider of services under the jurisdiction of such authority.~~

(c) The secretary for children and families shall forward any substantiated finding of abuse, neglect or financial exploitation alleged to have been committed by a provider of services licensed, registered or otherwise authorized to provide services in this state to the appropriate state regulatory authority, and such authority may consider the finding in any disciplinary action taken with respect to such provider under the jurisdiction of such authority.

(d) ~~The Kansas department for children and families shall inform the complainant, upon request of the complainant, that an investigation has been made and if the allegations of abuse, neglect or exploitation have been substantiated, that corrective measures will be taken, upon completion of the investigation or sooner, if such measures do not jeopardize the investigation initiated.~~

(~~d~~)(e) ~~The Kansas department for children and families may shall~~ inform the chief administrative officer officers of community facilities licensed pursuant to K.S.A. 2020 Supp. 39-2001 et seq., and amendments thereto, and nursing facilities, nursing facilities for mental health, intermediate care facilities for people with intellectual disability, assisted living facilities, residential healthcare facilities and home plus as defined in K.S.A. 39-923, and amendments thereto, of confirmed substantiated findings of resident abuse, neglect or financial exploitation.

Sec. 6. K.S.A. 39-1438 is hereby amended to read as follows: 39-1438. If an involved adult does not ~~consent to the receipt of~~ agree to accept reasonable and necessary protective services, or if such adult ~~withdraws the consent states during the course of service delivery that such adult does not want to proceed with such services,~~ such services shall not be provided or continued.

Sec. 7. K.S.A. 39-1441 is hereby amended to read as follows: 39-1441. The authority of the secretary under this act ~~shall include~~ includes, but is not limited to, the right to initiate or otherwise take those actions necessary to assure the health, safety and welfare of an involved adult, subject to any specific requirements for individual consent of the adult. The secretary may establish a toll-free telephone number for the reporting of instances of abuse, neglect or financial exploitation under this act.

Sec. 8. K.S.A. 2020 Supp. 39-1443 is hereby amended to read as follows: 39-1443. (a) ~~Investigation of adult abuse.~~ ~~The Kansas department for children and families and law enforcement officers shall have the duty to receive and investigate reports of adult abuse, neglect, or financial exploitation or fiduciary abuse for the purpose of determining whether the report is valid and whether action is required to protect the adult from further abuse or, neglect or financial exploitation.~~ If the department and such officers determine that no action is necessary to protect the adult but that a criminal prosecution should be considered, the department and such law enforcement officers shall make a report of the case to the appropriate law enforcement agency.

(b) ~~Joint investigations.~~ (1) ~~When a report of adult neglect, adult abuse, neglect or financial exploitation or fiduciary abuse indicates:~~ (1) that there is serious physical injury to or serious deterioration or sexual abuse or financial exploitation of the adult; and (2) that action may be required to protect the adult, the investigation may be conducted as a joint effort between the Kansas department for children and families and the appropriate law enforcement agency or agencies, with a free exchange of

information between such agencies.

(2) Upon completion of the investigation by the law enforcement agency, a full report shall be provided to the Kansas department for children and families.

(c) ~~Coordination of investigations by county or district attorney.~~ If a dispute develops between agencies investigating a reported case of adult abuse, neglect, or financial exploitation or fiduciary abuse, the appropriate county or district attorney shall take charge of, direct and coordinate the investigation.

(d) ~~Investigations concerning certain facilities.~~ Any investigation by a law enforcement agency involving a facility subject to licensing or regulation by the secretary of health and environment shall be reported promptly to the ~~state~~ secretary of health and environment, upon conclusion of the investigation or sooner if such report does not compromise the investigation.

(e) ~~Cooperation between agencies.~~ Law enforcement agencies and the Kansas department for children and families shall assist each other in taking action ~~which that~~ is necessary to protect the adult regardless of which party conducted the initial investigation.

Sec. 9. K.S.A. 75-723 is hereby amended to read as follows: 75-723. (a) There is hereby created in the office of the attorney general an abuse, neglect and exploitation of persons unit.

(b) Within the limits of available resources, the unit may, in the attorney general's discretion:

(1) Participate in the prevention, detection, review and prosecution of abuse, neglect and exploitation of persons, whether financial or physical;

(2) conduct investigations of suspected criminal abuse, neglect or exploitation of persons;

(3) coordinate with and assist other law enforcement agencies, or participate in task forces or joint operations, in the investigation of suspected criminal abuse, neglect or exploitation of persons;

(4) coordinate with and assist the medicaid fraud and abuse division established by K.S.A. 75-725, and amendments thereto, in the prevention, detection and investigation of abuse, neglect and exploitation of persons;

(5) work with or participate in the Kansas internet crimes against children task force, and work with any exploited and missing child investigators and any other child crime investigators;

(6) assist in any investigation of child abuse or neglect conducted by a law enforcement agency pursuant to K.S.A. 2020 Supp. 38-2226, and amendments thereto; ~~and~~

(7) assist in any investigation of adult abuse, neglect, exploitation or fiduciary abuse conducted by a law enforcement agency pursuant to K.S.A. 2020 Supp. 39-1443, and amendments thereto; and

(8) assist in any investigation or discussion of any elder and dependent adult abuse multidisciplinary team pursuant to section 1, and amendments thereto.

(c) The unit shall give priority to preventing, detecting and investigating abuse, neglect or exploitation of adults who are senior citizens, disabled or otherwise vulnerable to abuse, neglect or exploitation.

(d) Except as provided by subsection (k), the information obtained and the investigations conducted by the unit shall be confidential as required by state or federal

law. Upon request of the unit, the unit shall have access to all records of reports, investigation documents and written reports of findings related to substantiated or affirmed cases of abuse, neglect or exploitation of persons or cases in which the attorney general has reasonable suspicion to believe abuse, neglect or exploitation of persons has occurred which are received or generated by a state agency.

(e) Whenever a state agency reports a matter involving suspected abuse, neglect or exploitation of an adult to a law enforcement agency or a county or district attorney, such state agency shall simultaneously forward such report to the unit.

(f) Except for reports alleging only self-neglect, a state agency receiving reports of abuse, neglect or exploitation of adults shall forward to the unit:

(1) Within 10 days of substantiation, reports of findings concerning the substantiated abuse, neglect or exploitation of adults; and

(2) within 10 days of such denial, each report of an investigation in which such state agency was denied the opportunity or ability to conduct or complete a full investigation of abuse, neglect or exploitation of adults.

(g) On or before the first day of the regular legislative session each year, the unit shall submit to the legislature a written report of the unit's activities, investigations and findings for the preceding fiscal year.

(h) The attorney general shall adopt rules and regulations as deemed appropriate for the administration of this section.

(i) No state funds appropriated to support the provisions of the unit and expended to contract or enter into agreements with any third party shall be used by a third party to file any civil action against the state of Kansas or any agency of the state of Kansas. Nothing in this section shall prohibit the attorney general from initiating or participating in any civil action against any party.

(j) The attorney general may contract or enter into agreements with other agencies or organizations to provide services related to the attorney general's duties under this section or to the investigation or litigation of findings related to abuse, neglect or exploitation of persons.

(k) Notwithstanding any other provision of law, nothing shall prohibit the attorney general or the unit from distributing or utilizing only that information obtained pursuant to a confirmed case of abuse, neglect or exploitation or cases in which there is reasonable suspicion to believe abuse, neglect or exploitation has occurred pursuant to this section with any third party under contract or agreement with the attorney general to carry out the provisions of this section.

(l) As used in this section:

(1) "Adult" means any person 18 years of age or older; and

(2) "state agency" means the Kansas department for children and families, Kansas department for aging and disability services or Kansas department of health and environment.

Sec. 10. K.S.A. 39-1438, 39-1441 and 75-723 and K.S.A. 2020 Supp. 39-1430, 39-1431, 39-1433 and 39-1443 are hereby repealed.;

On page 15, in line 13, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the legislature" and inserting "elder and dependent persons; relating to the abuse thereof"; in line 2, after "force" by inserting ", a Kansas elder and dependent adult abuse multidisciplinary team coordinator and elder

and dependent adult abuse multidisciplinary teams"; also in line 2 by striking "topics of study"; and inserting "requirements for"; in line 3, after "report" by inserting "to the legislature; requiring additional persons to report abuse, neglect or financial exploitation of adults; directing the neglect and exploitation of persons unit of the attorney general to assist in multidisciplinary team investigations; amending K.S.A. 39-1438, 39-1441 and 75-723 and K.S.A. 2020 Supp. 39-1430, 39-1431, 39-1433 and 39-1443 and repealing the existing sections";

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

RICHARD HILDERBRAND

BEVERLY GOSSAGE

PAT PETTEY

*Conferees on part of Senate*

SUSAN CONCANNON

CHARLOTTE ESAU

JARROD OUSLEY

*Conferees on part of House*

Senator Hilderbrand moved the Senate adopt the Conference Committee Report on **HB 2114**.

On roll call, the vote was: Yeas 34; Nays 4; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Sykes, Ware, Warren, Wilborn.

Nays: Steffen, Straub, Thompson, Tyson.

Absent or Not Voting: Billinger, Suellentrop.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

Mr. Vice President: Within this bill is the creation of an obscure group of regional "activists" that are expressly NOT subject to the open meetings act.—MARK STEFFEN

#### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2143** submits the following report:

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

On page 11, following line 20, by inserting:

"(iii) "Nonprofit integrated community care organization" means an entity that is:

(1) Exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(2) certified to participate in the medicare program as a hospice under 42 C.F.R. § 418 et seq. and focused on providing care to the aging and indigent population at home and through inpatient care, adult daycare or assisted living facilities and related

facilities and services across multiple counties; and

(3) approved by the Kansas department for aging and disability services as an organization providing services under the program of all-inclusive care for the elderly as defined in 42 U.S.C. § 1396u-4 and regulations implementing such section.";

Also on page 11, in line 41, by striking the first "or" and inserting a comma; also in line 41, by striking the second "or" and inserting a comma; in line 42, after "bank" by inserting "or nonprofit integrated community care organization"; also in line 42, by striking "or" and inserting a comma; in line 43, by striking the first "or" and inserting a comma; also in line 43, after "bank" by inserting "or nonprofit integrated community care organization";

On page 48, in line 34, by striking all after the semicolon; in line 39, after "form" by inserting "; and

(nnnn) all sales of tangible personal property or services purchased by friends of hospice of Jefferson county, an organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the purpose of providing support to the Jefferson county hospice agency in end-of-life care of Jefferson county families, friends and neighbors, and all sales of entry or participation fees, charges or tickets by friends of hospice of Jefferson county for such organization's fundraising event for such purpose";

Also, on page 48, in line 40, by striking "2022" and inserting "2024";

On page 49, in line 38, by striking "\$15,000" and inserting "\$1,000"; in line 40, by striking "\$25,000" and inserting "\$5,000"; in line 43, by striking "\$25,000" and inserting "\$5,000";

On page 50, in line 15, before "Determinations" by inserting "When the total tax liability exceeds \$50,000 in any calendar year, the retailer shall be required to pay the sales tax liability for the first 15 days of each month to the director on or before the 25<sup>th</sup> day of that month. Any such payment shall accompany the return filed for the preceding month. A retailer will be considered to have complied with the requirements to pay the first 15 days' liability for any month if, on or before the 25<sup>th</sup> day of that month, the retailer paid 90% of the liability for that 15-day period or 50% of such retailer's liability in the immediately preceding calendar year for the same month as the month in which the 15-day period occurs computed at the rate applicable in the month in which the 15-day period occurs, and, in either case, paid any underpayment with the payment required on or before the 25<sup>th</sup> day of the following month. Such retailers shall pay their sales tax liabilities for the remainder of each such month at the time of filing the return for such month."; in line 40, by striking "2022" and inserting "2024";

On page 1, in the title, in line 5, after the first semicolon, by inserting "defining nonprofit integrated community care organizations and providing an exemption therefor; providing an exemption for friends of hospice of Jefferson county;" in line 6, by striking all after the semicolon; in line 7, by striking all before "amending";

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

CARYN TYSON

LARRY ALLEY

TOM HOLLAND

*Conferees on part of Senate*

ADAM SMITH

LES MASON

JIM GARTNER

*Conferees on part of House*

Senator Tyson moved the Senate adopt the Conference Committee Report on **HB 2143**.

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

Yeas: Alley, Baumgardner, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Billinger, Suellentrop.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **S Sub Sub HB 2196** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for Substitute for House Bill No. 2196, as printed with Senate Committee of the Whole amendments, as follows:

On page 2, in line 30, by striking "other" and inserting "non-legislative"; in line 43, by striking "rules and regulations" and inserting "policies";

On page 3, in line 7, by striking "committee" and inserting "council"; in line 11, by striking "committee" and inserting "council";

On page 4, in line 35, by striking all after "(i)"; by striking all in lines 36 through 43;

On page 5, by striking all in lines 1 through 3; in line 4, by striking all before the period and inserting "The staff of the legislative research department, the office of revisor of statutes and the division of legislative administrative services shall provide such assistance as may be requested by the chairperson"; in line 12, by striking "30" and inserting "14";

On page 7, in line 2, by striking all after "labor"; by striking all in lines 3 and 4; in line 5, by striking all before the period and inserting "not later than December 31, 2022"; in line 6, after "council" by inserting ", upon consultation with the unemployment compensation modernization and improvement council established by section 1, and amendments thereto,";

On page 9, in line 38, after the period by inserting "The program shall be implemented on or before June 1, 2021."; in line 41, by striking "four" and inserting "three";

On page 10, in line 2, after the period by inserting "The claimant shall have seven days to respond to the secretary of commerce. The secretary of commerce shall report any failure to respond by the claimant to the secretary of labor."; in line 20, after "secretary" by inserting "of commerce and the secretary of labor"; in line 21, by striking ", including" and inserting "and share"; in line 24, after "secretary" by inserting "of

commerce"; in line 25, by striking the second "claimant" and inserting "contact";

On page 11, by striking all in lines 24 through 43;

By striking all on page 12;

On page 13, by striking all in lines 1 through 4 and inserting:

"New Sec. 6. Notwithstanding the provisions of chapter 1 of the 2020 Special Session Laws of Kansas, any other statute, any appropriation act or any other provision of this act: (a) For the fiscal years ending June 30, 2021, and June 30, 2022, on or before July 15, 2021, the director of the budget shall determine the amount of moneys received by the state that are identified as moneys from the federal government for aid to the state of Kansas for coronavirus relief as appropriated in the following acts that are eligible to be used for employment security, may be expended at the discretion of the state, in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: (1) The federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, and the federal paycheck protection program and health care enhancement act, public law 116-139; (2) the federal consolidated appropriations act, 2021, public law 116-260; (3) the American rescue plan act of 2021, public law 117-2; and (4) any other federal law that appropriates moneys to the state for aid for coronavirus relief. If the state receives any such moneys from the federal government for aid to the state of Kansas for coronavirus relief after July 15, 2021, the director of the budget shall also identify such moneys for the purposes of fulfilling the transfers required by this section.

(b) Of such identified moneys, the director of the budget shall determine in the aggregate an amount equal to \$250,000,000 available in special revenue funds. If such identified moneys in the aggregate are less than \$250,000,000, the director of the budget shall determine the maximum amount available. The director of the budget shall certify the amount so determined from each fund to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of legislative research. Upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall immediately transfer an aggregate amount equal to such certification and in the aggregate, an amount equal to \$250,000,000 if available from such funds to the employment security fund (296-00-7056-7200) of the department of labor for the purpose of funding the employment security fund.

(c) Of such identified moneys, the director of the budget shall further determine in the aggregate an additional amount equal to \$250,000,000 available in special revenue funds. If such identified moneys in the aggregate are less than \$250,000,000, the director of the budget shall determine the maximum additional amount available. The director of the budget shall certify the amount so determined from each fund to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of legislative research. Upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall immediately transfer an aggregate amount equal to such certification and in the aggregate, an amount equal to \$250,000,000 if available from such funds to the legislature employment security fund of the legislative coordinating council.

(d) Upon a determination of the dollar amount of improper payments by the audit of the department of labor in accordance with section 1(g), and amendments thereto, the unemployment compensation modernization and improvement council shall report such dollar amount immediately in writing to the division of the budget. Upon receipt of such report, the director of the budget shall certify the dollar amount identified by the audit and transmit a copy of such report and certification to members of the legislative coordinating council and the director of legislative research.

(e) If the amount of improper payments determined by such audit or the amount of any improper payments made during April 1, 2022, through December 31, 2022, as determined by the secretary following the review of the information as provided in K.S.A. 44-710b(e), and amendments thereto, or both such amounts added together, exceed the amounts transferred pursuant to subsections (b) and (c), the secretary shall certify such amount to the director of the budget. The director of the budget shall certify the amount of additional moneys identified under subsection (a) determined to be available from each fund to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to members of the legislative coordinating council and the director of legislative research. Upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall immediately transfer an aggregate amount equal to such certification if available from such funds to the legislature employment security fund of the legislative coordinating council.

(f) Upon receipt of any reports or certifications, the legislative coordinating council shall notify the legislative budget committee and forward a copy of such information to the committee. The legislative budget committee shall meet and review such information and shall report such committee's recommendation to the legislative coordinating council. After receiving recommendations from the legislative budget committee, the legislative coordinating council may authorize the transfer moneys in an amount not to exceed the amounts certified of improper payments from the legislature employment security fund to the employment security fund of the department of labor. Such transfers may be approved by the members of the legislative coordinating council, as provided in K.S.A. 46-1202, and amendments thereto, acting on this matter, which is hereby characterized as a matter of legislative delegation, except that such transfers may also be approved while the legislature is in session.

(g) There is hereby established in the state treasury the legislature employment security fund which shall be administered by the legislative coordinating council. All expenditures from the legislature employment security fund shall be for the purposes of funding the employment security fund for improper payments. All expenditures from the legislature employment security fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the legislative coordinating council or the designee of the chairperson.

(h) As used in this act, "improper payment amounts" or "improper payments" means any payment that should not have been made or that was made in an incorrect amount under statutory, contractual, administrative or other legally applicable requirements and includes any payment to an ineligible recipient.";

Also on page 13, following line 42, by inserting:

"New Sec. 8. During the fiscal years ending June 30, 2021, and June 30, 2022, on the effective date of this act, no state agency named in this or other appropriation act of the 2021 regular session of the legislature shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2021 and 2022 as authorized by chapter 5 of the 2020 Session Laws of Kansas or any appropriation act of the 2021 regular session of the legislature for the purposes of entering into a contract or agreement with any party to make any changes, improvements or upgrades to the technology infrastructure for claims, benefits and system integrity or to the methods for information and data sharing concerning Kansas unemployment benefits unless and until: (a) The unemployment compensation modernization and improvement council, created by section 1, and amendments thereto, has reviewed the information technology system, technology and platform specifications pursuant to the provisions of section 2, and amendments thereto, and made a recommendation to the legislative coordinating council; and (b) the legislative coordinating council has reviewed any such specifications and any such recommendations. Such legislative coordinating council review shall take place within 60 days of the last date of accepting bids on the modernization project. After the requesting state agency receives a report from the legislative coordinating council regarding such council's review, such state agency is authorized to expend all approved moneys lawfully credited to and available in such fund or funds during the fiscal years ending June 30, 2021, and June 30, 2022.

New Sec. 9. Notwithstanding the provisions of K.S.A. 75-37,102(b), and amendments thereto, for the purposes of selecting a vendor to perform the unemployment insurance modernization project authorized by section 2, and amendments thereto, the procurement negotiating committee shall be composed of: (a) The director of purchases, or a person designated by the director; (b) the chairperson of the joint committee on information technology pursuant to the provisions of K.S.A. 46-2101, and amendments thereto; and (c) the secretary of administration, or a person designated by the secretary or, if a procurement involves information technology or services, the executive chief information technology officer or a person designated by the executive chief information technology officer.

New Sec. 10. (a) The secretary of labor shall develop a form for use by claimants to establish their identity before a law enforcement officer of a Kansas law enforcement agency for the purpose of facilitating the receipt of unemployment insurance benefits. The form may be in electronic or paper format and may be transmitted or processed in electronic format if safeguards are made to protect any confidential information of the claimant. Use of the form by a claimant shall not be a requirement to receive unemployment benefits. The form shall be distributed to participating law enforcement agencies upon request and shall be provided to claimants at the time a claim for benefits is submitted. The form shall also be made readily available on the department of labor's website. The form shall be no more than one page in length, include space for the claimant's name, address, phone number if any, email address if any, date of birth and social security number and include instructions for the use of the form for the claimant and the law enforcement agency. The form shall specify permitted identity verification documentation that may be submitted to the law enforcement officer by the claimant to establish the claimant's identity. The permitted forms of identity verification documentation shall be documents to establish identity or documents to establish both

identity and employment authorization acceptable for federal form I-9, employment eligibility verification, pursuant to 8 C.F.R. 274a.2 as in effect on the effective date of this act. The form shall be developed and made available within seven days of the effective date of this act. Law enforcement agencies shall not be required to participate in the provisions of this section.

(b) Upon receipt of the form, a claimant may present the form to a participating law enforcement agency with jurisdiction over the location of the claimant's residence or last known place of employment in Kansas and submit documentation as required by the form for verification by the law enforcement agency. The claimant may present the form to a participating law enforcement agency that does not have jurisdiction over the location of the claimant's residence or last known place of employment if no law enforcement agency with such jurisdiction has agreed to participate and the secretary has approved such submission. If a law enforcement officer of the law enforcement agency examines and finds the documentation submitted by the claimant valid and sufficient to establish the claimant's identity, the law enforcement officer shall complete or verify the form and the law enforcement agency shall submit the form to the department of labor as provided by the instructions.

(c) The secretary shall presume a claimant's identity has been confirmed for purposes of the employment security law upon submission of a properly completed form to the secretary by the law enforcement agency on behalf of the claimant. The presumption may be overcome by direct and credible information to the contrary.

(d) The law enforcement officer, law enforcement agency, the state or any political subdivision of the state that employs a law enforcement officer providing identity verification as provided by this section for the department of labor, shall have immunity from any civil or criminal liability for such verification action if the law enforcement officer acts in good faith and exercises due care. Participation and verification of a claimant's identity as provided by this section by a law enforcement agency or law enforcement officer shall constitute a discretionary function or duty for purposes of the Kansas tort claims act.

(e) This section shall be a part of and supplemental to the employment security law.;

On page 51, in line 9, after the first "for" by inserting "a";

On page 83, in line 15, after "(b)" by inserting "(1)"; in line 20, by striking "(c)" and inserting "(2)"; in line 21, after the second comma by inserting "to";

On page 91, in line 12, after "were" by inserting "an improper payment or";

On page 92, in line 37, by striking "unemployment insurance" and inserting "employment security";

On page 100, in line 17, by striking "2" and inserting "5"; in line 20, by striking all after "person"; in line 21, by striking "nation,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "membership of the procurement negotiating committee for such system;"; in line 21, after the semicolon by inserting "providing for voluntary identity verification by claimants through participating law enforcement agencies; creating the legislative employment security fund;";

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

ROB OLSON  
 MARK STEFFEN  
 TOM HOLLAND  
*Conferees on part of Senate*

SEAN TARWARTER  
 MARTY LONG  
 STEPHANIE CLAYTON  
*Conferees on part of House*

Senator Olson moved the Senate adopt the Conference Committee Report on **S Sub HB 2196**.

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

Yeas: Alley, Baumgardner, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Billinger, Suellentrop.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **S Sub HB 2208** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2208, as follows:

On page 4, in line 14, after "(2)" by inserting "The department of health and environment shall submit to the United States centers for medicare and medicaid services any approval request necessary to implement this subsection.

(3) Such prospective payment system shall be implemented on or before May 1, 2022.

(d) (1)";

Also on page 4, in line 22, by striking "(3)" and inserting "(2)"; in line 24, by striking "(2)" and inserting "(1)";

On page 5, following line 33, by inserting:

"New Sec. 11. (a) As used in this section:

(1) "Eligible county" means a county in Kansas other than Douglas, Johnson, Sedgwick, Shawnee or Wyandotte county.

(2) "Hospital" means the same as defined in K.S.A. 65-425, and amendments thereto.

(3) "Transitional assistance" means any assistance related to changing a hospital's current healthcare delivery model to a model more appropriate for the community that the hospital serves, including, but not limited to: Conducting a market study of healthcare services needed and provided in the community; acquiring and implementing

new technological tools and infrastructure, including, but not limited to, telemedicine delivery methods; and acquiring the services of appropriate personnel, including, but not limited to, additional medical residents or individuals trained to be needed healthcare professionals.

(b) (1) There is established the rural hospital innovation grant program to be administered by the secretary of health and environment. The program, and any grant awarded thereunder, shall be for the purpose of strengthening and improving the healthcare system and increasing access to healthcare services in eligible counties to help communities in such counties achieve and maintain optimal health by providing transitional assistance to hospitals in such counties. The secretary may award a rural hospital innovation grant to a county that applies in accordance with this section.

(2) The secretary of health and environment may award a grant under this section only if the amount of state moneys to be awarded in the grant has been matched by private stakeholders, including hospital foundations or other organizations, contributing to the secretary for the program, on a basis of \$2 of private stakeholder moneys for every \$1 of state moneys. The secretary of health and environment may receive moneys by bequest, donation or gift to fulfill the public-private match of moneys required under this paragraph. Any such moneys received shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the rural hospital innovation grant fund. A private stakeholder may certify to the secretary of health and environment that an amount of money is dedicated to the rural hospital innovation grant program. Such certified dedicated moneys shall remain with the private stakeholder until such time as the grant is awarded, and the secretary shall count such certified dedicated moneys to fulfill the public-private match required under this paragraph.

(3) A private stakeholder who has contributed moneys or certified dedicated moneys to the secretary of health and environment may specify a county to receive a grant using such private stakeholder's moneys. If the secretary does not award a grant to the specified county in the same fiscal year as such request, the secretary shall return the amount of contributed moneys to the private stakeholder and any such certification shall lapse.

(4) Prior to applying for a rural hospital innovation grant, any eligible county may enter into memorandums of understanding and other necessary agreements with private stakeholders and other eligible counties.

(5) The board of county commissioners of an eligible county, or the board's designee, may apply to the secretary for a rural hospital innovation grant in the form and manner prescribed by the secretary of health and environment. Such application shall include:

(A) A description of the hospital for which the grant moneys will be expended, including the name and location of the hospital;

(B) a statement of the amount of grant moneys requested;

(C) a description of the needs of the hospital, the transitional assistance for which the grant moneys will be expended and how such transitional assistance will meet the stated needs;

(D) a certification that the hospital has exhausted all opportunities for federal moneys available to such hospital for transitional assistance purposes, including, but not

limited to, any federal moneys related to COVID-19 relief that may be used for such purposes; and

(E) any other information that the secretary deems necessary to administer this section.

(6) Prior to awarding any grant moneys to an eligible county under this section, the secretary shall enter into a written agreement with the county requiring that the county:

(A) Expend any such grant moneys to provide transitional assistance to a hospital in the eligible county, as approved by the secretary;

(B) not later than one year after any such grant moneys are awarded, report to the secretary detailing the effect that such grant is having on health and other outcomes in the eligible county and the affected community;

(C) repay all awarded grant moneys to the secretary if the county fails to satisfy any material term or condition of the grant agreement; and

(D) any other terms and conditions that the secretary deems necessary to administer this section.

(7) No rural hospital innovation grant shall be awarded to provide transitional assistance to any hospital that has not exhausted all opportunities for federal moneys available to such hospital for transitional assistance purposes, including, but not limited to, any federal moneys related to COVID-19 relief that may be used for such purposes.

(c) (1) There is established in the state treasury the rural hospital innovation grant fund to be administered by the secretary of health and environment. All moneys credited to the fund shall be used only for purposes related to the rural hospital innovation grant program. All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or the secretary's designee.

(2) (A) Notwithstanding the provisions of chapter 1 of the 2020 Special Session Laws of Kansas or any other provision of law to the contrary, on June 15, 2021, the director of the budget shall determine the amount of moneys received by the state that are identified as moneys from the federal government for aid to the state of Kansas for coronavirus relief as appropriated in the following acts that are eligible to be used for the purpose of awarding grants under this section, that may be expended at the discretion of the state in compliance with the United States office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards and that are unencumbered, including:

(i) The federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, public law 116-123, the federal families first coronavirus response act, public law 116-127, and the federal paycheck protection program and health care enhancement act, public law 116-139;

(ii) the federal consolidated appropriations act, 2021, public law 116-260;

(iii) the American rescue plan act of 2021, public law 117-2; and

(iv) any other federal law that appropriates moneys to the state for aid for coronavirus relief.

(B) Of the moneys identified in accordance with subparagraph (A), the director of the budget shall determine an aggregate amount equal to \$10,000,000 available in special revenue funds. If such identified moneys are less than \$10,000,000, the director of the budget shall determine the maximum amount available. The director of the

budget shall certify the amount determined under this subparagraph from each fund to the director of accounts and reports. At the same time as such certification is transmitted, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(C) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an aggregate amount equal to the certification received in accordance with subparagraph (B) from such funds to the rural hospital innovation grant fund. If such aggregate amount of moneys certified is less than \$10,000,000, the director of accounts and reports shall transfer from the state general fund to the rural hospital innovation grant fund the difference between \$10,000,000 and the amount certified.

(d) The secretary of health and environment shall adopt rules and regulations as necessary to implement and administer this section.

(e) (1) On or before October 1 of each year, for each rural hospital innovation grant awarded under this section, the county shall prepare and submit to the secretary of health and environment a report describing: The amount and stated purposes of any awarded grant moneys; the fulfillment of the terms and conditions of the grant agreement; and the transitional assistance upon which the moneys have been spent.

(2) On or before February 1 of each year, the secretary shall compile the information received under this subsection and submit a report to the governor and the legislature including such information and a description of and reasoning for any applications for a rural hospital innovation grant that the secretary has denied.

(f) (1) The rural hospital innovation grant program shall expire on June 30, 2025.

(2) On July 1, 2025:

(A) The director of accounts and reports shall transfer all moneys in the rural hospital innovation grant fund to the state general fund;

(B) all liabilities of the rural hospital innovation grant fund shall be transferred to and imposed on the state general fund; and

(C) the rural hospital innovation grant fund shall be abolished.";

On page 39, in line 39, 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 "to"; in line 12, after the semicolon by inserting "providing grant assistance to hospitals in certain counties; prescribing powers, duties and functions of the secretary of health and environment related thereto; establishing the rural hospital innovation grant program and rural hospital innovation grant fund;"

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

RICHARD HILDERBRAND

BEVERLY GOSSAGE

PAT PETTEY

*Conferees on part of Senate*

BRENDA LANDWEHR

JOHN EPLEE

BRETT PARKER

*Conferees on part of House*

Senator Hilderbrand moved the Senate adopt the Conference Committee Report on **S Sub HB 2208**.

On roll call, the vote was: Yeas 34; Nays 4; Present and Passing 0; Absent or Not Voting 2.

Yeas: Baumgardner, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Sykes, Tyson, Ware, Warren, Wilborn.

Nays: Alley, Steffen, Straub, Thompson.

Absent or Not Voting: Billinger, Suellentrop.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

Mr. Vice President: "The Rural Emergency Hospital Act" does not put a monetary burden on the hospitals that voluntarily opt in to this new designation. The \$10 million giveaway is inappropriate. Telemedicine (primary care) by out-of-state physicians unlicensed in Kansas is an unnecessary threat to our rural providers.—MARK STEFFEN

#### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2405** submits the following report:

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

On page 2, in line 26, by striking "3.75%" and inserting "4.3%";

On page 4, in line 18, by striking "statute book" and inserting "Kansas register";

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

RICK BILLINGER

J.R. CLAEYS

TOM HAWK

*Conferees on part of Senate*

STEVEN JOHNSON

CHRIS CROFT

CINDY NEIGHBOR

*Conferees on part of House*

Senator Billinger moved the Senate adopt the Conference Committee Report on **HB 2405**.

On roll call, the vote was: Yeas 32; Nays 6; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Ryckman, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Hilderbrand, Peck, Pyle, Steffen, Straub, Tyson.

Absent or Not Voting: Billinger, Suellentrop.

The Conference Committee Report was adopted.

### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Longbine moved the Senate concur in House amendments to **SB 178**.

**SB 178**, AN ACT concerning financial institutions; relating to the state banking code; trust companies; providing for charter conversions; amending K.S.A. 2020 Supp. 9-803, 9-808, 9-809 and 9-1717 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kersch, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Billinger, Suellentrop.

The Senate concurred.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No.1613—

By Senators Masterson, Wilborn and Sykes

A CONCURRENT RESOLUTION relating to the adjournment of the Senate and House of Representatives for a period of time during the 2021 regular session of the legislature.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives concurring therein:* That the legislature shall adjourn at the close of business of the daily session convened on April 9, 2021, and shall reconvene at 10:00 a.m. on May 3, 2021; and

*Be it further resolved:* That the legislature may adjourn and reconvene at any time during the period on and after May 3, 2021, through May 11, 2021, but the legislature shall adjourn not later than the close of business on May 11, 2021; and

*Be it further resolved:* That the legislature shall reconvene at 10:00 a.m. on May 26, 2021, at which time the legislature shall continue in session and shall adjourn sine die at the close of business on May 26, 2021; and

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

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

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

On emergency motion of Senator Alley **SCR 1613** was adopted by voice vote.

#### MESSAGES FROM THE GOVERNOR

**SB 52, SB 172** approved on April 9, 2021.

**SB 24** will become law without the Governor's signature on April 9, 2021.

#### MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **S Sub for HB 2138**, requests a conference and has appointed Representatives Barker, Arnberger and Ruiz, L. as conferees on the part of the House.

The House concurs in Senate amendments to **HB 2102**, and requests return of the bill.

The House adopts the Conference Committee report on **SB 170**.

The House adopts the Conference Committee report on **SB 238**.

The House adopts the Conference Committee report on **HB 2218**.

The House adopts the Conference Committee report on **HB 2007**.

The House adopts the Conference Committee report on **HB 2039**.

#### REPORT ON ENROLLED BILLS

**SB 16, SB 89, SB 124, SB 172** reported correctly enrolled, properly signed and presented to the Governor on April 9, 2021.

**SR 1717, SR 1718, SR 1719** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 9, 2021.

#### TRIBUTES

Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of April 6 through April 9, 2021:

Senator Bowers: celebrating Norma Preuss' 102nd Birthday, congratulating the Tipton Catholic High School Scholars' Bowl Team on winning the 1A State Championship, congratulating Kim Ost on his well-deserved retirement after 42 years of service in law enforcement, congratulating Evan Deneke on being named the KDWPT Region 3 Law Enforcement Division Boating Officer of the Year, congratulating the Hanover Wildcats on winning the 2021 Class 1A-Division II Boys Basketball Championship, congratulating Ted Schmitz on being inducted into the National Junior College Athletic Association Cross Country and Track and Field Coaches Association Hall of Fame, congratulating Gable Fredrickson on winning the 113lb. Class 3-2-1A Wrestling State Championship;

Senator Peck: celebrating Margaret Hollenshead's 110th Birthday;

Senator Pittman: celebrating Anna Marguerite Buck's 100th Birthday, congratulating and commending LTC Phillip DeVries II on his military career and retirement;

Senator Steffen: extending best wishes to Kingman Mennonite Church as they begin their new ministry, commending John C. Mull for his conservation work; and

Senator Thompson: celebrating Harold Haag's 100th Birthday.

On motion of Senator Alley, the Senate adjourned until 10:00 a.m., Monday, May 3, 2021.

# Journal of the Senate

SIXTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, May 3, 2021, 10:00 a.m.

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

In Troubled Times, God's Answer For The Trouble  
Romans 15:4, Jeremiah 2, 2 Chronicles. 7:14-15

Heavenly Father, according to the New Testament, in Romans 15:4, You gave us the earlier Old Testament writings for our instruction, to encourage us to have hope and determination in times of trouble. And Lord, that's what we need today! So, help us see the similarities, in Jeremiah 2 and be inspired. For You hold us responsible to turn away from the ungodliness in our midst.

In Jeremiah 2:7, You had brought Your people into a land of plenty, but they lost all that wealth and wound up bankrupt. In Jeremiah 2:16, even people that were not recognized for military strength, had become too hard for Your people to defend against. And in verse 18, neighboring peoples who pretended to be friends had deceived and troubled Your people, all because of their transgressions and their disobedience. In verse 19, You conveyed to them the foolishness of forsaking You and that the problems they were suffering were only a taste of even more difficulties to come if they did not repent.

So, Lord, keep us from going the same way they did. As we observe the troubles in our day, disrupted families and chaos all around us, please hear our prayers. You said in 2 Chronicles 7:14-15, Your eyes and ears would be attentive to the prayers of Your people if we would humble ourselves and repent of ungodly ways. So, by Your Holy Spirit, Lord, humble us, that You might revive us. We need Your touch to heal our land.

In the Precious Name of Jesus, I offer this prayer, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 313**, AN ACT concerning roads and highways; designating a portion of United States highway 69 as the Senator Tom R. Van Sickle memorial highway, by Committee on Federal and State Affairs.

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **HB 2021**.  
 The House adopts the Conference Committee report on **HB 2064**.  
 The House adopts the Conference Committee report on **HB 2114**.  
 The House adopts the Conference Committee report on **HB 2208**.  
 The House adopts the Conference Committee report on **HB 2405**.  
 The House adopts the Conference Committee report on **HB 2196**.  
 The House adopts the Conference Committee report on **HB 2143**.  
 Announcing adoption of **SCR 1613**.

**MESSAGES FROM THE GOVERNOR**

**SB 65, SB 66, SB 90, SB 124** approved on April 15, 2021.  
**SB 16, SB 89** approved on April 16, 2021.  
**SB 26, SB 36, SB 38, SB 67, SB 95, SB 103, SB 106, SB 107, SB 122, SB 142, SB 143, SB 178** approved on April 21, 2021.  
**SB 86** approved on April 22, 2021.  
**SB 127** approved on April 23, 2021.

Enclosed is Executive Order 21-22 for your information. (April 27, 2021)

March 19, 2021

*To the Senate of the State of Kansas*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
 Governor

*Member, Kansas Human Rights Commission:* Nathan Spriggs, Bel Aire, (Unaffiliated), pursuant to the authority vested in me by K.S.A. 44-1003, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed David Brant.

March 26, 2021

*To The Senate of the State of Kansas*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
 Governor

*Member, State Banking Board:* Mary Berry, Goddard, (D), pursuant to the authority vested in me by K.S.A. 74-3004 and effective upon the date of confirmation by the Senate, to serve a three-year term, to succeed herself.

March 30, 2021

*To the Senate of the State of Kansas*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Laura Kelly  
*Governor*

*Member, Kansas Human Rights Commission: Alicia Sanchez, Wichita, (Unaffiliated) pursuant to the authority vested in me by K.S.A. 44-1003, and effective upon the date of confirmation by the Senate, to serve a term of four years to succeed James Terrones.*

#### MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **SB 50**, AN ACT concerning taxation; relating to sales and compensating use tax; requiring the collection and remittance for sales, compensating use and transient guest taxes and prepaid wireless 911 fees made on marketplace facilitator platforms; removing click-through nexus provisions; relating to income tax; providing for addition and subtraction modifications for the treatment of global intangible low-taxed income, business interest, capital contributions, FDIC premiums and business meals; expanding the expensed education for income taxpayers and calculating the deduction amount; providing the ability to elect to itemize for individuals; exemption of unemployment compensation income attributable as a result of identity fraud; removing the line for reporting compensating use tax from individual tax returns; extending the dates when corporate tax returns are required to be filed; increasing the Kansas standard deduction; providing for an extension of the corporate net operating loss carry forward period; amending K.S.A. 79-3221, 79-3221o, 79-32,117, 79-32,119, 79-32,120, 79-32,138, 79-32,143, 79-32,143a and 79-3702 and repealing the existing sections

#### REGARDING VETO OF SENATE BILL 50

Last year, despite COVID-19, Kansas experienced a record-setting \$2.5 billion in new investment from businesses. These companies chose to make Kansas home in large part due to the state's recent investments in our economic development tools, prioritizing funding for infrastructure improvements, and reinvesting in our students.

As many of you with whom I served well remember, in order to provide sustainable funding for essential government services, we cannot return to the era of perennial, self-inflicted budget crises that undermine the very fabric and foundation of our state.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Bill 50**.

Date: April 16, 2021  
By The Governor  
Laura Kelly

#### MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **SB 55**, AN ACT concerning education; relating to student athletes; creating the fairness in women's sports act;

restricting participation on women's teams to female students; providing a cause of action for violations.

#### REGARDING VETO OF SENATE BILL 55

This legislation sends a devastating message that Kansas is not welcoming to all children and their families, including those who are transgender – who are already at a higher risk of bullying, discrimination, and suicide.

As Kansans, we should be focused on how to include all students in extracurricular activities rather than how to exclude those who may be different than us. Kansas is an inclusive state and our laws should reflect our values. This law does not do that.

This bill would also undoubtedly harm our ability to attract and retain businesses. It would send a signal to prospective companies that Kansas is more focused on unnecessary and divisive legislation, than strategic, pro-growth lawmaking.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Bill 55**.

Date: April 22, 2021

By The Governor

LAURA KELLY

#### REFERENCE OF APPOINTMENTS

Under the authority of the President, the Vice President referred the following appointments, made by the Governor and submitted to the Senate for confirmation, to Committees as indicated:

*Member, State Banking Board:*

Mary Berry, to serve a term ending March 15, 2024.

(Committee on Financial Institutions and Insurance)

*Member, Kansas Human Rights Commission:*

Nathan Spriggs, to serve a term ending January 15, 2025.

(Committee on Federal and State Affairs)

*Member, Kansas Human Rights Commission:*

Alicia Sanchez, to serve a term ending January 15, 2025.

(Committee on Federal and State Affairs)

#### COMMUNICATIONS FROM STATE OFFICERS

The Kansas Bureau of Investigation 2020 Civil Asset Forfeiture Report. (April 15, 2021)

#### ORIGINAL MOTION

On motion of Senator Alley, the Senate acceded to the request of the House for a conference on **HB 2138**.

The Vice President appointed Senators Alley, Hilderbrand and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Alley, the Senate recessed until 11:15 a.m.

#### **ACTION ON VETO MESSAGE**

A motion by Senator Tyson on **SB 50**, AN ACT concerning taxation; relating to sales and compensating use tax; requiring the collection and remittance for sales, compensating use and transient guest taxes and prepaid wireless 911 fees made on marketplace facilitator platforms; removing click-through nexus provisions; relating to income tax; providing for addition and subtraction modifications for the treatment of global intangible low-taxed income, business interest, capital contributions, FDIC premiums and business meals; expanding the expensed education for income taxpayers and calculating the deduction amount; providing the ability to elect to itemize for individuals; exemption of unemployment compensation income attributable as a result of identity fraud; removing the line for reporting compensating use tax from individual tax returns; extending the dates when corporate tax returns are required to be filed; increasing the Kansas standard deduction; providing for an extension of the corporate net operating loss carry-forward period; amending K.S.A. 79-3221, 79-3221o, 79-32,117, 79-32,119, 79-32,120, 79-32,138, 79-32,143, 79-32,143a and 79-3702 and repealing the existing sections, be passed not withstanding the Governor's veto.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Sykes, Ware.

A two-thirds constitutional majority having voted in favor of overriding the Governor's veto, the motion passed and the veto was overridden.

#### **ACTION ON VETO MESSAGE**

A motion by Senator Erickson on **SB 55**, AN ACT concerning education; relating to student athletes; creating the fairness in women's sports act; restricting participation on women's teams to female students; providing a cause of action for violations, be passed not withstanding the Governor's veto.

Upon the showing of five hands, a Call of the Senate was requested.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, McGinn, Pettey, Pittman, Sykes, Ware.

Failing to achieve the necessary two-thirds constitutional majority, the Governor's veto was sustained.

The Call was lifted.

## EXPLANATION OF VOTE

Mr. Vice President: I have always strongly supported female athletes as I was a Superintendent in our local schools for 14 years. When considering my vote on a piece of legislation, I always ask myself, "Is it necessary?" Rather than establishing more laws for the sake of passing laws, I support local control and have confidence our locally-elected officials can address this appropriately. We have not heard about any issues with transgender students competing in Kansas. Locally, school boards, administrators, and KSHSAA have policies in place and work together to figure these things out. We have had no issue that I know of for the last 10 years because all of these situations are addressed in the local community. There are 5 transgender students in our public schools who are on teams and none are transgender girls competing at the high school level. If this is an issue for Kansas school districts and our universities, then we will deal with it. At this point in time I feel there is no need for a state statute. Today I vote for local control, for limited government and for kindness and compassion for those children who are trying to find their place in the world. I vote NO on the override for **SB 55**.—BRENDA DIETRICH

Mr. Vice President: As currently, the longest tenured member of Kansas' Senate, this is one of the more difficult votes I ever had to make. Hearing from articulate, vocal constituents on both sides of the proposed ban on transgender youth in girl's/women's sports, by consistently voting to "Pass," I was reminded of the Civil War sympathizer who, understanding views of the Union, wore a blue shirt and understanding views of the Confederacy, wore grey trousers, ended up getting shot at by BOTH sides! I believe it should be born in mind that David Haley has been a champion of LGBTQ inclusion and rights (marriage equality; hate crime coverage; "bathroom" repudiation, even personal staff hire) for decades. And too, that David Haley has been a resident "feminist;" ever pushing for fairness and equality for women in pay; freedom from harassment and other issues to level the gender-playing field. Accordingly, I found conflict in these histories of mine and "Pass." Now, compelled by a Call of the Senate to vote one way or the other, I vote NO on the potential to override the Governor's veto of **SB 55**; which will now sustain the Governor's veto and allow transgender women to participate in women's sports in Kansas. National organizations have looked for more open and inclusive venues to bring their tournaments to Kansas and should continue to be on the radar for hosting these events and generating the revenue we need to insure the continued greatness of our population-depleting State.—DAVID HALEY

Mr. Vice President: I vote no on **SB 55**. I strongly support girls sports, as I played them when I was in high school. I also strongly support local control. Many in my community have strong feelings on this issue. This underscores my support for local communities to handle this in the manner that is supported by the parents and students in that community. This issue is currently being monitored by the Kansas High School Activities Association and local school boards. I trust them to do their job and will work with them in the future if they need the legislature's assistance. According to KSHAA there are only five transgender individuals in the state, none of them are males playing at the High School level.—CAROLYN MCGINN

On motion of Senator Alley, the Senate recessed until 2:30 p.m.

### MESSAGE FROM THE HOUSE

Announcing the House herewith transmits the veto message from the Governor, together with the enrolled copy of **HB 2166**:

AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the Braden's hope for childhood cancer, proud educator, delta sigma theta, Gadsden flag, love, Chloe foundation and alpha kappa alpha distinctive license plates; providing distinctive license plates for current and veteran members of the United States army, navy, marine corps, air force, coast guard and space force; modifying requirements to begin production on distinctive license plates; requiring reporting by sponsoring organizations of income and expenditures derived from certain distinctive license plate fees; establishing a fee for firefighter license plates; allowing certain license plates issued by the division of vehicles to be personalized license plates; amending K.S.A. 2020 Supp. 8-132, 8-1,141, 8-1,142, 8-1,147 and 8-1,155 and repealing the existing sections, which was received on April 23, 2021.

As long as I'm governor, I will do everything in my power to ensure that Kansas remains welcoming and inclusive. The Gadsden flag has become, over time, a symbol of racism and divisiveness. By inserting the Gadsden provision into an otherwise positive piece of legislation, the Legislature ensured a veto.

Should the original bill be passed and sent to my desk, I will sign it.

Under Article 2, Section 14(a) of the Constitution, I hereby veto **House Bill 2166**.

A motion was made that **HB 2166** be passed notwithstanding the Governor's veto. By vote of 86 Yeas and 37 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

Announcing the House herewith transmits the veto message from the Governor, together with the enrolled copy of **HB 2332**:

AN ACT concerning elections; relating to the conduct of elections; providing for the appointment and duties of certain elected officials; amending K.S.A. 73-213, 73-214, 73-215, 73-218 and 73-219 and K.S.A. 2020 Supp. 25-1122 and 25-2423 and repealing the existing sections., which was received on April 23, 2021.

Although Kansans have cast millions of ballots over the last decade, there remains no evidence of significant voter fraud in Kansas. This bill is a solution to a problem that doesn't exist. It is designed to disenfranchise Kansans, making it difficult for them to participate in the democratic process, not to stop voter fraud.

We also know what happens when states enact restrictive voting legislation. Hundreds of major companies across the nation have made it abundantly clear that this kind of legislation is wrong. Antagonizing the very businesses Kansas is trying to recruit is not how we continue to grow our economy.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **House Bill 2332**.

A motion was made that **HB 2332** be passed notwithstanding the Governor's veto. By vote of 86 Yeas and 37 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

Announcing the House herewith transmits the veto message from the Governor, together with the enrolled copy of **HB 2183**:

AN ACT concerning elections; creating the transparency in revenues underwriting elections act; prohibiting the receipt and expenditure of private moneys by election officials; directing the secretary of state to publish certain registered voter totals; relating to advance voting ballots; requiring signed statements for delivery of such ballots on behalf of a voter; limiting the number of such ballots that can be delivered; prohibiting the altering or backdating of the mailing date on such ballots; requiring a matching signature on such ballots; removing the secretary of state's authority to provide additional time for receipt of such ballots; prohibiting candidates for office from engaging in certain conduct related to advance voting ballots; creating the crime of false representation of an election official; expanding the crime of electioneering; penalties for violations; amending K.S.A. 2020 Supp. 25-1124, 25-1128, 25-1132 and 25-2430 and repealing the existing sections; also repealing K.S.A. 25-608., which was received on April 23, 2021.

Although Kansans have cast millions of ballots over the last decade, there remains no evidence of significant voter fraud in Kansas. This bill is a solution to a problem that doesn't exist. It is designed to disenfranchise Kansans, making it difficult for them to participate in the democratic process, not to stop voter fraud.

We also know what happens when states enact restrictive voting legislation. Hundreds of major companies across the nation have made it abundantly clear that this kind of legislation is wrong. Antagonizing the very businesses Kansas is trying to recruit is not how we continue to grow our economy.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto Senate Substitute for **House Bill 2183**.

A motion was made that **HB 2183** be passed notwithstanding the Governor's veto. By vote of 85 Yeas and 38 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

Announcing the House herewith transmits the veto message from the Governor, together with the enrolled copy of **HB 2058**.

AN ACT concerning crimes, punishment and criminal procedure; relating to firearms; reducing the underlying felonies for the crime of criminal possession of a weapon by a convicted felon; restoration of the right to possess firearms upon expungement of convictions; recognition of licenses under the personal and family protection act issued by other jurisdictions; creating a provisional license for persons under the age of 21; authorizing the issuance of alternative license during certain circumstances; amending K.S.A. 75-7c02, 75-7c03, 75-7c04, 75-7c05, 75-7c08 and 75-7c21 and K.S.A. 2020 Supp. 21-5914, 21-6301, 21-6302, 21-6304, 21-6309, 21-6614 and 32-1002 and repealing the existing sections., which was received on April 23, 2021 and read on May 3, 2021.

Throughout my time in public office, I have been a strong supporter of the Second Amendment and of Kansans' right to own firearms.

But we can respect and defend the rights of Kansas gun owners while also taking effective steps to keep our children and families safe. Legislation that allows more guns on campus is neither safe nor effective, and it will drive prospective students away from our schools.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **House Bill 2058**.

A motion was made that **HB 2058** be passed notwithstanding the Governor's veto. By vote of 84 Yeas and 39 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

#### **ACTION ON VETO MESSAGE**

A motion by Senator Claeys on **Sub HB 2166**, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the Braden's hope for childhood cancer, proud educator, delta sigma theta, Gadsden flag, love, Chloe foundation and alpha kappa alpha distinctive license plates; providing distinctive license plates for current and veteran members of the United States army, navy, marine corps, air force, coast guard and space force; modifying requirements to begin production on distinctive license plates; requiring reporting by sponsoring organizations of income and expenditures derived from certain distinctive license plate fees; establishing a fee for firefighter license plates; allowing certain license plates issued by the division of vehicles to be personalized license plates; amending K.S.A. 2020 Supp. 8-132, 8-1,141, 8-1,142, 8-1,147 and 8-1,155 and repealing the existing sections, be passed not withstanding the Governor's veto.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, McGinn, Pettey, Pittman, Sykes, Ware.

A two-thirds constitutional majority having voted in favor of overriding the Governor's veto, the motion passed and the veto was overridden.

#### **ACTION ON VETO MESSAGE**

A motion by Senator Hilderbrand on **HB 2332**, AN ACT concerning elections; relating to the conduct of elections; providing for the appointment and duties of certain elected officials; amending K.S.A. 73-213, 73-214, 73-215, 73-218 and 73-219 and K.S.A. 2020 Supp. 25-1122 and 25-2423 and repealing the existing sections, be passed not withstanding the Governor's veto.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

A two-thirds constitutional majority having voted in favor of overriding the Governor's veto, the motion passed and the veto was overridden.

#### **ACTION ON VETO MESSAGE**

A motion by Senator Alley on **S Sub HB 2183**, AN ACT concerning elections; creating the transparency in revenues underwriting elections act; prohibiting the receipt and expenditure of private moneys by election officials; directing the secretary of state to publish certain registered voter totals; relating to advance voting ballots; requiring signed statements for delivery of such ballots on behalf of a voter; limiting the number of such ballots that can be delivered; prohibiting the altering or backdating of the mailing date on such ballots; requiring a matching signature on such ballots; removing the secretary of state's authority to provide additional time for receipt of such ballots; prohibiting candidates for office from engaging in certain conduct related to advance voting ballots; creating the crime of false representation of an election official; expanding the crime of electioneering; penalties for violations; amending K.S.A. 2020 Supp. 25-1124, 25-1128, 25-1132 and 25-2430 and repealing the existing sections; also repealing K.S.A. 25-608, be passed not withstanding the Governor's veto.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

A two-thirds constitutional majority having voted in favor of overriding the Governor's veto, the motion passed and the veto was overridden.

#### **ACTION ON VETO MESSAGE**

A motion by Senator Hilderbrand on **HB 2058**, AN ACT concerning crimes, punishment and criminal procedure; relating to firearms; reducing the underlying felonies for the crime of criminal possession of a weapon by a convicted felon; restoration of the right to possess firearms upon expungement of convictions; recognition of licenses under the personal and family protection act issued by other jurisdictions; creating a provisional license for persons under the age of 21; authorizing the issuance of alternative license during certain circumstances; amending K.S.A. 75-7c02, 75-7c03, 75-7c04, 75-7c05, 75-7c08 and 75-7c21 and K.S.A. 2020 Supp. 21-5914, 21-6301, 21-6302, 21-6304, 21-6309, 21-6614 and 32-1002 and repealing the existing sections, be passed not withstanding the Governor's veto.

Upon the showing of five hands, a Call of the Senate was requested.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Haley, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Hawk, Holscher, Pettey, Sykes, Ware.

Present and Passing: Holland.

A two-thirds constitutional majority having voted in favor of overriding the Governor's veto, the motion passed and the veto was overridden.

The Call was lifted.

### MESSAGE FROM THE HOUSE

Announcing the House herewith transmits certificate of action by the House of Representatives on **SB 50**,

AN ACT concerning taxation; relating to sales and compensating use tax; requiring the collection and remittance for sales, compensating use and transient guest taxes and prepaid wireless 911 fees made on marketplace facilitator platforms; removing click-through nexus provisions; relating to income tax; providing for addition and subtraction modifications for the treatment of global intangible low-taxed income, business interest, capital contributions, FDIC premiums and business meals; expanding the expense deduction for income taxpayers and calculating the deduction amount; providing the ability to elect to itemize for individuals; exemption of unemployment compensation income attributable as a result of identity fraud; removing the line for reporting compensating use tax from individual tax returns; extending the dates when corporate tax returns are required to be filed; increasing the Kansas standard deduction; providing for an extension of the corporate net operating loss carryforward period; amending K.S.A. 79-3221, 79-3221o, 79-32,117, 79-32,119, 79-32,120, 79-32,138, 79-32,143, 79-32,143a and 79-3702 and repealing the existing sections.

The veto message from the Governor having been received, a motion was made that not withstanding the Governor's objection to **SB 50**, the bill be passed. By a vote of 84 Yeas and 39 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

### CHANGE OF CONFERENCE

Under the authority of the President, the Vice President appointed Senator Corson to replace Senator Haley as a member of the conference committee on **SB 58**.

On motion of Senator Alley, the Senate recessed until the sound of the gavel.

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**STANDING COMMITTEE REPORTS**

Committee on **Assessment and Taxation** recommends **HB 2313** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2313," as follows:

"Senate Substitute for HOUSE BILL No. 2313

By Committee on Assessment and Taxation

"AN ACT concerning taxation; relating to property taxation; establishing the COVID-19 retail storefront property tax relief act to provide partial refunds to certain businesses impacted by COVID-19-related shutdowns and restrictions; relating to the reimbursement of property taxes to certain property owners and operators resulting from a forced shutdown or capacity limitation by the state, county, city or other political subdivision of the state; allowing Kansas national guard and reservist members who are in good standing to receive a property tax exemption for up to two motor vehicles; authorizing continuation of the statewide levy for schools and the exemption of a portion of residential property from such levy; relating to the board of tax appeals and authorizing appointment by the governor of a member pro tempore when a vacancy on the board exists; directing a post audit study of taxation and exemption issues relating to non-profit and governmental entities competing against for-profit businesses; amending K.S.A. 74-2433, as amended by section 5 of 2021 House Bill No. 2104, 79-201x and 79-5107 and K.S.A. 2020 Supp. 72-5142 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Federal and State Affairs** recommends **HB 2264** be passed.

Also, **SCR 1611** be amended on page 1, in line 35, by striking all after "until"; in line 36, by striking all before the semicolon and inserting "two years from the date this resolution is adopted or the date Congress calls a convention of the states for the purpose of proposing amendments to the Constitution of the United States, whichever occurs first"; following line 36, by inserting:

*"Be it further resolved:* That all concurrent resolutions making application to the Congress of the United States to call a convention of the states for the purpose of proposing amendments to the Constitution of the United States that have been previously adopted by the Legislature are hereby rescinded on and after such date that occurs two years from the date this concurrent resolution is adopted, unless Congress calls a convention of the states for the purpose of proposing amendments to the Constitution of the United States prior to such rescission date; and"; and the resolution be adopted as amended.

Committee on **Federal and State Affairs** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

*Member, Kansas Human Rights Commission: K.S.A. 44-1003:*

Nathan Spriggs, to serve a term ending on January 15, 2025.

Alicia Sanchez, to serve a term ending on January 15, 2025.

Committee on **Judiciary** recommends **SB 286** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 286," as follows:

"Substitute for SENATE BILL No. 286

By Committee on Judiciary

"AN ACT enacting the COVID-19 business relief act; providing funds for impacted

businesses; making and concerning appropriations for the fiscal years ending June 30, 2021, and June 30, 2022; authorizing certain transfers and imposing certain limitations; creating the COVID-19 business relief fund and the COVID-19 business relief claims board; providing for administration of this act by the attorney general; requiring certain counties to establish and administer a county COVID-19 business relief fund and certain cities to establish and administer a city COVID-19 business relief fund; amending K.S.A. 48-933 and repealing the existing section.";

And the substitute bill be passed.

#### **REPORT ON ENROLLED BILLS**

**SR 1720** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 13, 2021.

**H Sub SB 26; SB 36, SB 38, SB 55, SB 67, SB 86, SB 95, SB 103, SB 106, SB 107, SB 122, SB 127, SB 142, SB 143, SB 178** reported correctly enrolled, properly signed and presented to the Governor on April 16, 2021.

**SCR 1613** reported correctly enrolled, properly signed and presented to the Secretary of State on April 16, 2021.

On motion of Senator Suellentrop, the Senate adjourned until 10:00 a.m., Tuesday, May 4, 2021.

# Journal of the Senate

SIXTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, May 4, 2021, 10:00 a.m.

The Senate was called to order by Vice President Rick Wilborn.

The roll was called with 40 senators present.

The Vice President introduced guest chaplain, Pastor David Beauchamp, Director, Church Ambassador Network of Kansas, to deliver the invocation:

Almighty God, Creator of this Universe and Creator of me, I come before You today, on the floor of this Kansas Senate. I humbly ask for Your Presence to fill this chamber. As a Kansas pastor and a follower of Your Son, Jesus, I realize that every hallway and office, every nook and cranny, of this Capitol Building falls within your purview. You also extend Your Providential care to every nook and cranny of the entire State of Kansas. As such, I place myself under Your Sovereignty and I pray that every Senator does as well.

As a state and as a nation we have societal issues that have confronted us. We have faced a pandemic; we have faced injustice; we have faced violence; we have faced issues that challenge the very bedrock that our founding fathers established. Through it all, I pray that we may respond with a dependence on You. May we seek Your divine truths to help guide policy decisions that will be pleasing to You. I pray that each of these 40 senators would seek Your face. I pray that by doing so that they will have the best interests for every person in the State of Kansas so that each Kansan can align their interests with Your plans and purposes.

There are tough issues facing this Senate, especially during this month. There will be disagreements to be sure. I ask that as issues are discussed that there is a respect and a civility that is a part of every dialog. I pray that all here may love others the way Jesus has sacrificially loved each of us.

As I conclude this prayer, I ask that Your blessings be given to all who support this legislative body, many whose responsibilities are never made public. May each support person and each Senator know that the people of the State of Kansas appreciate their work on all the important policy decisions that are made in this chamber.

I offer this prayer in the name of Your Son, My Savior and Lord, Jesus Christ, Amen.

The Pledge of Allegiance was led by Vice President Wilborn.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Transportation: **SB 313**.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senator Sykes introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1721—

A RESOLUTION recognizing 25 years of 529 Education Savings Plans to assist with educating and training our future workforce, and the importance of providing financial empowerment tools to families across Kansas so they may better afford the rising costs of higher education and reduce reliance on student loans.

WHEREAS, Over the past 40 years, the cost of higher education has been consistently increasing at two to three times the rate of inflation each year; and

WHEREAS, Nearly 60% of all federal financial aid is in the form of loans, significantly increasing the number of college graduates faced with the burden of paying enormous student loan debt upon entering the workforce; and

WHEREAS, Concerned by the mounting financial strain placed on young professionals, states began to develop innovative programs designed to help families and students save for their college education; and

WHEREAS, In 1996, the United States Congress, with bipartisan support, developed Section 529 in the Internal Revenue Code and the resulting federal tax benefits, including tax deferred treatment of the earnings when used for higher education; and

WHEREAS, Section 529 of the Internal Revenue Code and the subsequent federal tax benefits led to the development of college savings plans nationwide; and

WHEREAS, The Setting Every Community Up for Retirement Enhancement (SECURE) Act, signed into law on December 20, 2019, expanded qualified higher education expenses to include repayment of qualified education loans and allowed funds to cover registered apprenticeships; and

WHEREAS, 529 Education Savings Plans allow any U.S. citizen or resident to open an account or be a beneficiary of an account, and there are no age or income limitations; and

WHEREAS, It is the responsibility of the Kansas State Treasurer to administer the Kansas program, known as Learning Quest 529 Savings Plans; and

WHEREAS, The work of the Office of the Kansas State Treasurer to promote saving for college is providing leadership and innovation to improve educational and economic opportunities for all Kansans; and

WHEREAS, Learning Quest 529 Savings Plans allow Kansans to plan for future education expenses for oneself or one's child or grandchild; and

WHEREAS, To celebrate the longevity and benefits of this program, May 29, 2021, is nationally recognized as National 529 College Savings Plan Day: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize 25 years of 529 Education Savings Plans to assist with educating and training our future workforce, and the importance of providing financial empowerment tools to families across Kansas so they may better afford the rising costs of higher education and reduce reliance on student loans; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Sykes.

On emergency motion of Senator Sykes **SR 1721** was adopted by voice vote.

**ORIGINAL MOTION**

Senator Alley moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **Sub SB 286; SCR 1611; HB 2187; S Sub HB 2313.**

**COMMITTEE OF THE WHOLE**

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

**HB 2187** be amended by the adoption of the committee amendments, be further amended by motion of Senator Longbine: on page 13, in line 35, by striking "Kansas register" and inserting "statute book", and **HB 2187** be passed as further amended.

Committee report on **HB 2313** recommending **S Sub HB 2313** be adopted.

Senator Sykes moved to divide **S Sub HB 2313** into two parts.

Part One was retained.

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

On roll call, the vote was: Yeas 35; Nays 0; Present and Passing 4; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Ryckman, Suellentrop, Sykes, Tyson, Ware, Warren, Wilborn.

Present and Passing: Peck, Steffen, Straub, Thompson.

Absent or Not Voting: Longbine.

Part Two was retained by voice vote.

The Committee rose and reported progress (See Committee of the Whole afternoon session.)

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

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **SB 60**.

The House adopts the Conference Committee report on **SB 47**.

**COMMITTEE OF THE WHOLE**

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

On motion of Senator Claeys the report for the morning and the following afternoon report was adopted:

**S Sub HB 2313** be amended by motion of Senator Holland: on page 8, following line 16, by inserting:

"New Sec. 17. The provisions of sections 17 through 33, and amendments thereto, shall be known as and may be cited as the golden years homestead property tax freeze act. The purpose of this act shall be to provide refunds arising from increased ad valorem tax assessments to: (a) Certain persons who are of qualifying age and who own their homesteads; or (b) certain persons who have a disability as a result of military service and who own their homesteads.

New Sec. 18. As used in sections 17 through 33, and amendments thereto:

(a) "Act" means the golden years homestead property tax freeze act.

(b) "Base year" means the earliest year in which: (1) An individual was, during the entire calendar year, both domiciled in this state and was: (A) A person who is 65 years of age or older; or (B) a disabled veteran; and (2) the appraised value of the homestead is \$395,000 or less. A claimant shall only be eligible for a claim for refund under this act if the appraised value of the homestead in the base year is \$395,000 or less. For any individual who satisfies paragraph (1) prior to 2020, such base year shall be deemed to be 2020 for purposes of this act if the appraised value of the homestead for tax year 2020 is \$395,000 or less. No year prior to 2020 shall be established as a base year. Once established for a claimant, the base year for the homestead shall not change if such claimant fails to satisfy the household income requirement to be eligible for a refund claim for any particular year or years. In the case of all tax years commencing after December 31, 2020, the upper limit homestead appraised value threshold amount prescribed in this section shall be increased by an amount equal to such threshold amount multiplied by a cost-of-living adjustment determined by the department of revenue by averaging the percent change in statewide residential valuation of existing residential property for the preceding 10 years.

(c) "Claimant" means a person who has filed a claim under the provisions of this act and was, during the entire calendar year preceding the year in which such claim was filed for refund under this act, except as provided in section 19, and amendments thereto, both domiciled in this state and was: (1) A person who is 65 years of age or older; or (2) a disabled veteran. The surviving spouse of a person 65 years of age or older or a disabled veteran who was receiving benefits pursuant to this section at the time of the claimant's death, shall be eligible to continue to receive benefits until such time the surviving spouse remarries.

(d) "Disabled veteran" means a person who is a resident of Kansas and has been honorably discharged from active service in any branch of the armed forces of the United States or the Kansas national guard and who has been certified by the United States department of veterans affairs or its successor to have a 50% or greater permanent disability sustained through military action or accident or resulting from a disease contracted while in such active service.

(e) "Homestead" means the dwelling, or any part thereof, owned and occupied as a residence by the household and so much of the land surrounding it, as defined as a home site for ad valorem tax purposes, and may consist of a part of a multi-dwelling or multi-purpose building and a part of the land upon which it is built or a manufactured home or mobile home and the land upon which it is situated. "Owned" includes one or more joint tenants or tenants in common.

When a homestead is occupied by two or more individuals and more than one of the individuals is able to qualify as a claimant, the individuals may determine between them as to who the claimant will be. If they are unable to agree, the matter shall be referred to

the secretary of revenue, whose decision shall be final.

(f) "Household" means a claimant, a claimant and spouse who occupy the homestead or a claimant and one or more individuals not related as married individuals who together occupy a homestead.

(g) "Household income" means all income received by all persons of a household in a calendar year while members of such household.

(h) "Income" means the sum of adjusted gross income under the Kansas income tax act effective for tax year 2021, and tax years thereafter, without regard to any maintenance, support money, cash public assistance and relief, not including any refund granted under this act, the gross amount of any pension or annuity, including all monetary retirement benefits from whatever source derived, including, but not limited to, all payments received under the railroad retirement act, except disability payments, payments received under the federal social security act, except that for determination of what constitutes income, such amount shall not exceed 50% of any such social security payments and shall not include any social security payments to a claimant who, prior to attaining full retirement age, had been receiving disability payments under the federal social security act in an amount not to exceed the amount of such disability payments or 50% of any such social security payments, whichever is greater, all dividends and interest from whatever source derived not included in adjusted gross income, workers compensation and the gross amount of loss of time insurance. Income does not include gifts from nongovernmental sources or surplus food or other relief in kind supplied by a governmental agency, nor shall net operating losses and net capital losses be considered in the determination of income. Income does not include veterans disability pensions or disability payments received under the federal social security act.

(i) "Property taxes accrued" means property taxes, exclusive of special assessments, delinquent interest and charges for service, levied on a claimant's homestead in 2020 or any calendar year thereafter by the state of Kansas and the political and taxing subdivisions of the state. When a homestead is owned by two or more persons or entities as joint tenants or tenants in common and one or more of the persons or entities is not a member of the claimant's household, "property taxes accrued" is that part of property taxes levied on the homestead that reflects the ownership percentage of the claimant's household. For purposes of this act, property taxes are levied when the tax roll is delivered to the local treasurer with the treasurer's warrant for collection. When a claimant and household own their homestead for only a part of a calendar year, "property taxes accrued" means only taxes levied on the homestead when both owned and occupied as a homestead by the claimant's household at the time of the levy, multiplied by the percentage of 12 months that the property was owned and occupied by the household as its homestead in that year. When a household owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of the taxes allocable to those several properties while occupied by the household as its homesteads during the year. Whenever a homestead is an integral part of a larger unit such as a multi-purpose or multi-dwelling building, property taxes accrued shall be that percentage of the total property taxes that is equal to the percentage of the value of the homestead compared to the total unit's value. For the purpose of this act, the word "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part.

New Sec. 19. The right to file a claim under this act may be exercised on behalf of

a claimant by such person's legal guardian, conservator or attorney-in-fact. When a claimant dies after having filed a timely claim, the amount thereof shall be disbursed to another member of the household as determined by the director of taxation. If the claimant was the only member of such person's household, the claim may be paid to such person's executor or administrator, but if neither is appointed and qualified, the amount of the claim may be paid upon a claim duly made to any heir at law. In the absence of any such claim within two years of the filing of the claim, the amount of the claim shall escheat to the state. When a person who would otherwise be entitled to file a claim under the provisions of this act dies prior to filing such claim, another member of such person's household may file such claim in the name of such decedent, subject to the deadline prescribed by section 21, and amendments thereto, and the director shall pay the amount to which the decedent would have been entitled to such person filing the claim. If the decedent was the only member of such person's household, the decedent's executor or administrator may file such claim in the name of the decedent, and the claim shall be paid to the executor or administrator. In the event that neither an executor or administrator is appointed and qualified, such claim may be made by any heir at law and the claim shall be payable to such heir at law. Any of the foregoing provisions shall be applicable in any case where the decedent dies in the calendar year preceding the year in which a claim may be made under the provisions of this act, if such decedent was a resident of or domiciled in this state during the entire part of such year that such decedent was living. Where the decedent's death occurs during the calendar year preceding the year in which a claim may be made, the amount of the claim that would have been allowable if the decedent had been a resident of or domiciled in this state the entire calendar year of such person's death shall be reduced in a proportionate amount equal to a fraction of the claim otherwise allowable, the numerator of which fraction is the number of months in such calendar year following the month of the decedent's death, and the denominator of which is 12.

New Sec. 20. A claimant may claim property tax relief under this act with respect to property taxes accrued and, after audit by the director of taxation with respect to this act, the allowable amount of such claim shall be paid, except as otherwise provided in sections 22, 31 and 33, and amendments thereto, to the claimant from the income tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director of taxation or by any person designated by the claimant, but no warrant issued shall be drawn in an amount of less than \$5. No interest shall be allowed on any payment made to a claimant pursuant to this act.

New Sec. 21. Except as provided in section 30, and amendments thereto, no claim in respect of property taxes levied in any year shall be paid or allowed unless such claim is filed with and in the possession of the department of revenue on or before April 15 of the year next succeeding the year in which such taxes were levied.

New Sec. 22. The amount of any claim otherwise payable under this act may be applied by the director of taxation against any liability outstanding on the books of the department of revenue against the claimant, or against any other individual who was a member of such person's household in the year that the claim relates.

New Sec. 23. Only one claimant per household per year shall be entitled to relief under this act.

New Sec. 24. (a) Commencing in tax year 2021, and all tax years thereafter, the amount of any claim pursuant to this act shall be computed by deducting the homestead

ad valorem tax amount in the tax year the refund is sought from the amount of a claimant's base year homestead ad valorem tax amount.

(b) The amount of claim shall be computed only to the nearest \$1.

(c) A taxpayer shall not be eligible for a claim pursuant to this act if such taxpayer has received for such property for such tax year a homestead property tax refund pursuant to K.S.A. 79-4501 et seq., and amendments thereto.

(d) The maximum amount of a claim that may be claimed by a claimant in any one tax year pursuant to this act shall be \$5,000.

New Sec. 25. (a) In administering this act, the director of taxation shall make available suitable forms with instructions for claimants. Copies of such forms shall also be made available to all county clerks and county treasurers in sufficient numbers to supply claimants residing in their respective counties. It shall be the duty of the county clerk to assist any claimant seeking assistance in the filing of a claim under the provisions of this act. The county treasurer of each county shall mail to each taxpayer, with the property tax statement of such taxpayer, information on eligibility for relief under this act to be provided by the secretary of revenue.

(b) The secretary of revenue is hereby authorized to adopt such rules and regulations as may be necessary for the administration of the provisions of this act.

New Sec. 26. (a) Every claimant under this act shall supply to the director of taxation, in support of a claim, reasonable proof of age and changes of homestead, household membership, household income, household assets and size and nature of property claimed as the homestead.

(b) Every claimant who is a homestead owner, or whose claim is based wholly or partly upon homestead ownership at some time during the calendar year, shall supply to the director of taxation, in support of a claim, the amount of property taxes levied upon the property claimed as a homestead and a statement that the property taxes accrued used for purposes of this act have been or will be paid by the claimant. Upon request by the director, such claimant shall provide a copy of the statement of property taxes levied upon the property claimed as a homestead. The amount of personal property taxes levied on a manufactured home or mobile home shall be set out on the personal property tax statement showing the amount of such tax as a separate item.

(c) The information required to be furnished under subsection (b) shall be in addition to that required under subsection (a).

New Sec. 27. In any case in which it is determined that a claim is or was excessive and was filed with fraudulent intent, the claim shall be disallowed in full, and, if the claim has been paid, the amount paid may be recovered by assessment as income taxes are assessed, and such assessment shall bear interest from the date of payment or credit of the claim, until recovered, at the rate of 1% per month. The claimant in such case and any person who assisted in the preparation or filing of such excessive claim, or supplied information upon which such excessive claim was prepared, with fraudulent intent, shall be guilty of a class B misdemeanor. In any case in which it is determined that a claim is or was excessive and was negligently prepared, 10% of the corrected claim shall be disallowed, and, if the claim has been paid, the proper portion of any amount paid shall be similarly recovered by assessment as income taxes are assessed, and such assessment shall bear interest at the rate of 1% per month from the date of payment until recovered. In any case in which it is determined that a claim is or was excessive due to the fact that the claimant neglected to include certain income received during the

year, the claim shall be corrected and the excess disallowed, and, if the claim has been paid, the proper portion of any amount paid shall be similarly recovered by assessment as income taxes are assessed.

New Sec. 28. No claim for relief under the provisions of this act shall be allowed to any claimant who is a recipient of public funds specifically designated for the payment of taxes during the period for which the claim is filed.

New Sec. 29. A claim shall be disallowed if the director of taxation finds that the claimant received title to such person's homestead primarily for the purpose of receiving benefits under this act.

New Sec. 30. For claims in respect to property taxes levied in any year, the director of taxation may extend the time for filing any claim or accept a claim filed after the filing deadline when good cause exists, if the claim has been filed within four years of the deadline.

New Sec. 31. (a) The director of taxation shall issue to the county clerk by October 1 of each year an electronic record containing the name of each eligible claimant who received a refund of property taxes under this act for the prior year.

(b) When initially filing a claim under this act, the claimant shall be given an election to receive such refund directly from the director of taxation or have such refund applied to the claimant's ad valorem taxes in the county. The claimant shall make the election on a form supplied by the director of taxation. Such refund shall not be applied to any special assessment.

(c) After the electronic record under subsection (a) has been received from the director of taxation, the county clerk of the county in which the property is located shall make any corrections needed, if any, based upon information known by the county clerk concerning any change in eligibility of any claimant listed in such record. After any needed corrections have been made to the electronic record, the county clerk, on behalf of each claimant listed in such record, shall certify the information contained in such record to the county treasurer in lieu of paying that portion of the first half of taxes on the claimant's homestead in the current year, which equals the amount of the golden years homestead property tax freeze refund received by the claimant for taxes levied in the preceding year up to the amount of the first half of the property taxes due.

(d) The county treasurer shall certify and return the electronic record referred to in subsection (a), including any changes made by the county clerk pursuant to subsection (c), to the director of taxation by December 31 of each year. After receiving a claim of any claimant who is listed in the electronic record submitted by the county treasurer, the director shall examine the same, and, if the claim is valid, the director of accounts and reports shall draw a warrant in favor of the county in which the claimant's homestead is located upon a voucher approved by the director of taxation in the amount of the allowable claim for refund. Sufficient information to identify the claimant shall be directed to the county treasurer with each warrant. Any taxes levied in any year on the homestead of any claimant who has obtained the eligibility herein provided for in excess of the amount paid to the county by the state and by the claimant on or before December 20 of such year shall be paid by the claimant on or before May 10 of the succeeding year.

(e) For the purposes of this section, "electronic record" means the same as defined in K.S.A. 16-1602, and amendments thereto.

New Sec. 32. A claimant shall only be eligible for a claim for refund under this act

if the household income for the year in which the claim is filed is \$50,000 or less. In the case of all tax years commencing after December 31, 2021, the upper limit household income threshold amount prescribed in this section shall be increased by an amount equal to such threshold amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) of the federal internal revenue code for the calendar year in which the taxable year commences.

New Sec. 33. If there are delinquent property taxes on the claimant's homestead, the refund shall be paid to the county treasurer of the county in which such homestead is located and applied first to the oldest of such delinquent property taxes and applied forward to the most recent delinquent property taxes and then to any other property taxes due on the claimant's homestead.";

On page 11, following line 39, by inserting:

"Sec. 37. K.S.A. 79-32,263 is hereby amended to read as follows: 79-32,263. This act shall be known and may be cited as the selective assistance for effective senior relief (SAFESR). There shall be allowed as a credit against the tax liability of a taxpayer imposed under the Kansas income tax act, the following: (a) For tax years 2008, 2009 and 2010, an amount equal to 45% of the amount of property and ad valorem taxes actually and timely paid as described in this section; and (b) for tax-year years 2011-~~and all tax years thereafter through 2020~~, an amount equal to 75% of the amount of property and ad valorem taxes actually and timely paid by a taxpayer who is 65 years of age or older and who has household income equal to or less than 120% of the federal poverty level for two persons if such taxes were paid upon real or personal property used for residential purposes of such taxpayer which is the taxpayer's principal place of residence for the tax year in which the tax credit is claimed. The amount of any such credit for any such taxpayer shall not exceed the amount of property and ad valorem taxes paid by such taxpayer as specified in this section. A taxpayer shall not take the credit pursuant to this section if such taxpayer has received a homestead property tax refund pursuant to K.S.A. 79-4501 et seq., and amendments thereto, for such property for such tax year. Subject to the provisions of this section, if the amount of such tax credit exceeds the taxpayer's income tax liability for the taxable year, the amount of such excess credit which exceeds such tax liability shall be refunded to the taxpayer. The secretary of revenue shall adopt rules and regulations regarding the filing of documents that support the amount of the credit claimed pursuant to this section. For purposes of this section, "household income" means all income as defined in K.S.A. 79-4502(a), and amendments thereto, including any payments received under the federal social security act, received by persons of a household in a calendar year while members of such household. The provisions of this act shall be part of and supplemental to the homestead property tax refund act.";

On page 13, in line 36, by striking the first "and"; also in line 36, after "79-201x" by inserting "and 79-32,263";

And by renumbering sections accordingly;

On page 1, in the title, in line 15, after the semicolon by inserting "establishing the golden years homestead property tax freeze act providing certain residential property tax refunds; providing for the expiration of the selective assistance for effective senior relief (SAFESR) credit;"; in line 16, after "79-201x" by inserting ", 79-32,263", and S **Sub HB 2313** be passed as amended.

Committee report on **SB 286** recommending **Sub SB 286** be adopted, be amended by motion of Senator Olson: on page 7, in line 9, by striking the second "and"; in line 12, after "thereto" by inserting "; and

(C) publish on the official website of the attorney general the claimant's name and address and the amount of relief to be paid to such claimant by each governmental entity"

**Sub SB 286** be further amended by motion of Senator Wilborn: on page 3, in line 29, by striking "100%" and inserting "35%";

On page 8, in line 10, by striking "100%" and inserting "35%"; in line 42, by striking "100%" and inserting "35%".

**Sub SB 286** be further amended by motion of Senator Warren: on page 7, in line 22, after "claim" by inserting "in a civil action"; in line 24, by striking "alleging" and inserting "seeking"; also in line 24, by striking "claim" and inserting "relief"; in line 30, after "claim" by inserting "in a civil action".

**Sub SB 286** be further amended by motion of Senator Warren: on page 2, in line 15, by striking "and after"; also in line 15, after the second comma by inserting "the director of accounts and reports shall transfer"; in line 16, by striking all after "fund"; in line 17, by striking all before the period and inserting "to the COVID-19 relief fund of the legislative coordinating council"; following line 19, by inserting:

"(3) (A) There is hereby established in the state treasury the COVID-19 relief fund, which shall be administered by the legislative coordinating council. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports pursuant to vouchers approved by the chairperson of the legislative coordinating council or the designee of the chairperson.

(B) (i) During the fiscal year ending June 30, 2023, on and after January 1, 2023, and during the fiscal year ending June 30, 2024, state agencies may submit requests for expenditures from the COVID-19 relief fund in accordance with this paragraph.

(ii) The legislative budget committee shall meet and review each such request and shall report such committee's recommendation to the legislative coordinating council.

(iii) After receiving recommendations from the legislative budget committee, expenditures may be authorized by the legislative coordinating council and such requests may be approved by the members of the legislative coordinating council, as provided in K.S.A. 46-1202, and amendments thereto, acting on this matter, which is hereby characterized as a matter of legislative delegation, except that such disbursements and expenditures may also be approved while the legislature is in session.";

On page 1, in the title, in line 3, by striking "and"; also in line 3, after "2022" by inserting ", June 30, 2023, and June 30, 2024"; in line 5, after the semicolon by inserting "the COVID-19 relief fund and procedures for the administration of such fund by the legislative coordinating council;" and **Sub SB 286** be passed as amended.

A motion by Senator Pettey to amend **Sub SB 286** failed.

A motion by Senator Pettey to amend **Sub SB 286** failed and the following amendment was rejected: on page 1, in line 13, by striking "7" and inserting "5"; in line 15, by striking "7" and inserting "5"; in line 29, by striking the colon; in line 30, by striking "(A)"; in line 32, by striking all after "thereof"; by striking all in line 33; in line 34, by striking all before the period;

On page 6, in line 29, by striking the colon; in line 30, by striking "(A)"; in line 31,

by striking the semicolon; by striking all in lines 32 through 43;

On page 7, by striking all in lines 1 and 2; in line 3, by striking all before the period; in line 6, by striking the colon; in line 7, by striking "(A)"; in line 9, by striking all after "thereto"; by striking all in lines 10 and 11; in line 12, by striking all before the period; in line 15, by striking all after the comma; in line 16, by striking all before "are";

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

Also on page 7, by striking all in line 43;

By striking all on page 8;

On page 9, by striking all in lines 1 through 19;

And by renumbering sections accordingly;

On page 1, in the title, by striking all in lines 7 and 8; in line 9, by striking all before "amending".

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

On roll call, the vote was: Yeas 12; Nays 26; Present and Passing 0; Absent or Not Voting 2.

Yeas: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, McGinn, Pettey, Pittman, Sykes, Ware.

Nays: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, O'Shea, Peck, Petersen, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Absent or Not Voting: Olson, Pyle.

An amendment was offered by Senator Sykes. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

A motion by Senator Sykes to amend **Sub SB 286** failed and the following amendment was rejected: on page 7, following line 20, by inserting:

"(c) (1) If a claimant receives moneys from the COVID-19 business relief fund established pursuant to section 2, and amendments thereto, or a governmental entity's fund established pursuant to section 5 or 6, and amendments thereto, the claimant shall use at least 50% of such moneys for employee pay, salary, compensation or benefits that are in addition to ordinary employee pay, salary, compensation or benefits. The claimant shall not offset or reduce the ordinary employee pay, salary, compensation or benefits.

(2) The attorney general shall monitor and audit the use of such moneys by claimants to ensure such use is consistent with the requirements of this subsection.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

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

On roll call, the vote was: Yeas 12; Nays 26; Present and Passing 1; Absent or Not Voting 1.

Yeas: Corson, Doll, Faust-Goudeau, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Pyle, Sykes, Ware.

Nays: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Present and Passing: Francisco.

Absent or Not Voting: McGinn.

An amendment was offered by Senator Warren. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

**SCR 1611** be passed over and retain a place on the calendar.

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

On motion of Senator Alley an emergency was declared by a 2/3 constitutional majority, and **Sub SB 286; HB 2187; S Sub HB 2313** were advanced to Final Action and roll call.

**Sub SB 286**, AN ACT enacting the COVID-19 business relief act; providing funds for impacted businesses; making and concerning appropriations for the fiscal years ending June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024; authorizing certain transfers and imposing certain limitations; creating the COVID-19 business relief fund and the COVID-19 business relief claims board; the COVID-19 relief fund and procedures for the administration of such fund by the legislative coordinating council; providing for administration of this act by the attorney general; requiring certain counties to establish and administer a county COVID-19 business relief fund and certain cities to establish and administer a city COVID-19 business relief fund; amending K.S.A. 48-933 and repealing the existing section.

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

Yeas: Alley, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Olson, Pettey, Pittman, Pyle, Sykes, Ware.

Absent or Not Voting: Baumgardner.

The substitute bill passed, as amended.

#### **EXPLANATION OF VOTE**

Mr Vice President: Let's put aside for a moment my issues with transparency, the composition of the board, and the way the Attorney General – who is running for Governor in 2022 – benefits politically from his role in administering this fund. We all know how Kansas businesses have sustained losses and financial difficulty because of the public health measures our community used to mitigate infection and prevent death from COVID-19. They do deserve help to recover from this pandemic. However, this bill ignores the very same impact the pandemic had on Kansas workers, who ensured that we have had access to medical care, food, shelter, child care, critical infrastructure, and other essential services, taking on a disproportionate amount of risk. Some Kansas businesses undoubtedly suffered during this pandemic; many Kansas workers died. They have no less earned the same financial support we're offering our businesses today. I vote NO.—DINAH SYKES

Senators Faust-Goudeau, Haley, Holland and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **Sub SB 286**.

**HB 2187**, AN ACT establishing the first-time home buyer savings account act; relating to financial institutions; providing for addition and subtraction modifications

for contributions to first-time home buyer savings accounts under the Kansas income tax act; amending K.S.A. 79-32,117 and repealing the existing section.

On roll call, the vote was: Yeas 35; Nays 1; Present and Passing 3; Absent or Not Voting 1.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Gossage, Haley, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Faust-Goudeau.

Present and Passing: Francisco, Hawk, Steffen.

Absent or Not Voting: Baumgardner.

The bill passed, as amended.

**S Sub HB 2313**, AN ACT concerning taxation; relating to property taxation; establishing the COVID-19 retail storefront property tax relief act to provide partial refunds to certain businesses impacted by COVID-19-related shutdowns and restrictions; relating to the reimbursement of property taxes to certain property owners and operators resulting from a forced shutdown or capacity limitation by the state, county, city or other political subdivision of the state; allowing Kansas national guard and reservist members who are in good standing to receive a property tax exemption for up to two motor vehicles; authorizing continuation of the statewide levy for schools and the exemption of a portion of residential property from such levy; relating to the board of tax appeals and authorizing appointment by the governor of a member pro tempore when a vacancy on the board exists; directing a post audit study of taxation and exemption issues relating to non-profit and governmental entities competing against for-profit businesses; establishing the golden years homestead property tax freeze act providing certain residential property tax refunds; providing for the expiration of the selective assistance for effective senior relief (SAFESR) credit; amending K.S.A. 74-2433, as amended by section 5 of 2021 House Bill No. 2104, 79-201x, 79-32,263 and 79-5107 and K.S.A. 2020 Supp. 72-5142 and repealing the existing sections.

On roll call, the vote was: Yeas 33; Nays 6; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pittman, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Holscher, Olson, Pettey, Pyle, Sykes, Ware.

Absent or Not Voting: Baumgardner.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: This bill is a multi-faceted bill that helps so many Kansas citizens. It gives much needed financial relief to our pandemic-response haggard small businesses, it provides economic guide-rails for decision-makers during future emergency declarations, and it provides property tax relief for our lower income elderly and our disabled veterans. This is quality legislation that makes Kansas a better state. And, I am very proud to have played a role in its development.—MARK STEFFEN

Senators Erickson, Gossage, Haley, Holland, Peck, Petersen and Straub request the record to show they concur with the "Explanation of Vote" offered by Senator Steffen on **S Sub HB 2313**.

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Financial Institutions and Insurance** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

*Member, State Banking Board: K.S.A. 74-3004*

Mary Berry, to serve a term ending on March 15, 2024.

#### **REPORT ON ENROLLED BILLS**

**SR 1721** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 4, 2021.

On motion of Senator Alley, the Senate adjourned until 10:00 a.m., Wednesday, May 5, 2021.

# Journal of the Senate

SIXTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, May 5, 2021, 10:00 a.m.

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

Direction From The Ultimate Law Giver  
Proverbs 29:18, Romans 7:7, Isaiah 5:20, Acts 5:1-10

Lord, without laws, without good laws, laws that come from You, in Proverbs 29:18, You declare that people will be out of control and going wild. But when we receive Your laws and follow them, we will experience the delights and the joys of life.

By Divine determination, You have put all of us in these chambers: Senators, secretaries, security, staff, in every capacity together to consider Your laws in fashioning the laws that flow from here.

According to Your Word in Romans 7:7, You gave us Your laws to use as a mirror so we could see for ourselves when we were going wrong. Like the pilots need their instruments to guide them in their flight, we need the principles of Your Laws to guide us in right decisions. Thank You Lord for the guidance You give us. Now keep us in alignment, so we don't experience the judgment, the condemnation You mention in Isaiah 5:20 where we're calling wickedness as decent, and calling that which is excellent as appalling.

As it was with Ananias and his wife Sapphira, in Acts 5, they thought that lying and being deceitful was the way to go until You showed them otherwise. Lord, You're yearning for a people of truth...of integrity! You said it's a wonderful thing for people to know and to keep Your laws. Help us then to realize that we can't know them and be blessed by them unless we keep them.

Therefore, as laws, policies and procedures are being studied, prompt us to regularly check the Mirror of Your Word so we can get things right, so we can avoid duplicity and be known as people trying to follow the heart of God!

My appeal to You dear Lord, is In the precious Name of Jesus, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 314**, AN ACT reconciling conflicting amendments to certain statutes; amending K.S.A. 66-104, as amended by section 1 of 2021 House Bill No. 2367, 75-5133 and 79-

3234 and K.S.A. 2020 Supp. 8-2110, 8-2118, as amended by section 6 of 2021 Senate Bill No. 67, 45-229, as amended by section 12 of 2021 House Bill No. 2390, 58-652, as amended by section 1 of 2021 Senate Bill No. 103, and 60-5508, as amended by section 6 of 2021 Senate Bill No. 283, and repealing the existing sections; also repealing K.S.A. 22-4514a, as amended by section 1 of 2021 Senate Bill No. 16, 66-104, as amended by section 1 of 2021 House Bill No. 2145, 75-3728c, as amended by section 2 of 2021 Senate Bill No. 16, 75-5133d, 76-721, as amended by section 3 of 2021 Senate Bill No. 16, 79-3233b, as amended by section 4 of 2021 Senate Bill No. 16, and 79-3234d and K.S.A. 2020 Supp. 8-2110b, 8-2118c, 39-1431b, 45-229, as amended by section 5 of 2021 House Bill No. 2162, 45-229, as amended by section 36 of 2021 House Bill No. 2391, 58-652, as amended by section 39 of 2021 Senate Bill No. 106, and 60-5508, as amended by section 3 of 2021 House Bill No. 2126, by Committee on Ways and Means.

### ORIGINAL MOTION

Senator Alley moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 39, SB 47, SB 60, SB 170; Sub SB 238; HB 2026, HB 2077, HB 2079, HB 2121, HB 2158.**

### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2026** submits the following report:

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

On page 2, following line 20, by inserting:

"Sec. 2. K.S.A. 2020 Supp. 21-6201 is hereby amended to read as follows: 21-6201. (a) Riot is five or more persons acting together and without lawful authority engaging in any:

(1) Use of force or violence which produces a breach of the public peace; or  
 (2) threat to use such force or violence against any person or property if accompanied by power or apparent power of immediate execution.

(b) Incitement to riot is by words or conduct knowingly urging others to engage in riot as defined in subsection (a) under circumstances which produce a clear and present danger of injury to persons or property or a ~~breach~~ breach of the public peace.

(c) (1) Riot is a:

(A) Class A person misdemeanor, except as provided in subsection (c)(1)(B); and  
(B) severity level 8, person felony if the riot occurs in a correctional facility.

(2) Incitement to riot is a:

(A) Severity level 8, person felony, except as provided in subsection (c)(2)(B); and  
(B) severity level 6, person felony if the incitement to riot occurs in a correctional facility.

(d) As used in this section, "correctional facility" means a "correctional institution" as defined in K.S.A. 75-5202, and amendments thereto, or a jail.

Sec. 3. K.S.A. 2020 Supp. 21-6322 is hereby amended to read as follows: 21-6322.

(a) Unlawfully tampering with electronic monitoring equipment is, knowingly and without authorization, removing, disabling, altering, tampering with, damaging or

destroying any electronic monitoring equipment used pursuant to court ordered supervision or as a condition of post-release supervision or parole.

(b) Unlawfully tampering with electronic monitoring equipment is a:

(1) Severity level—6, 8, nonperson felony in the case of electronic monitoring equipment used pursuant to court-ordered supervision or as a condition of postrelease supervision or parole for any felony; and

(2) class A nonperson misdemeanor in the case of electronic monitoring equipment used pursuant to court-ordered supervision or as a condition of postrelease supervision or parole for any misdemeanor or used pursuant to court-ordered supervision in any civil case.

Sec. 4. K.S.A. 2020 Supp. 21-6610 is hereby amended to read as follows: 21-6610.

(a) When a defendant is placed on parole by the district court, on probation, assigned to a community correctional services program by a district court or under suspended sentence and such defendant is permitted to go from the judicial district of that court, supervision over the defendant may be transferred from that judicial district to another with the concurrence of the receiving chief court services officer, or if in a community corrections services program, by the concurrence of the director of the receiving program.

(b) The district court from which the defendant is on parole, probation, community correctional services program or suspended sentence may retain jurisdiction of the defendant.

(c) When a defendant described in subsection (a) is sentenced pursuant to K.S.A. 2020 Supp. 21-6824, and amendments thereto, the district court from which the defendant is on parole, on probation, assigned to a community correctional services program or under suspended sentence may transfer jurisdiction of the defendant with the concurrence of the receiving district court and all parties.

Sec. 5. K.S.A. 2020 Supp. 21-6824 is hereby amended to read as follows: 21-6824.

(a) There is hereby established a nonprison sanction of certified drug abuse treatment programs for certain offenders who are sentenced on or after November 1, 2003. Placement of offenders in certified drug abuse treatment programs by the court shall be limited to placement of adult offenders, convicted of a felony violation of K.S.A. 2020 Supp. 21-5705 or 21-5706, and amendments thereto, whose offense is classified in grid blocks:

(1) 5-C, 5-D, 5-E, 5-F, 5-G, 5-H or 5-I of the sentencing guidelines grid for drug crimes and such offender has no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 2020 Supp. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any substantially similar offense from another jurisdiction; or

(2) 5-A, 5-B, 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes, such offender has no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 2020 Supp. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any substantially similar offense from another jurisdiction, if the person felonies in the offender's criminal history were severity level 8, 9 or 10 or nongrid offenses of the sentencing guidelines grid for nondrug crimes, and the court finds and sets forth with particularity the reasons for finding that the safety of the

members of the public will not be jeopardized by such placement in a drug abuse treatment program.

(b) As a part of the presentence investigation pursuant to K.S.A. 2020 Supp. 21-6813, and amendments thereto, offenders who meet the requirements of subsection (a), unless otherwise specifically ordered by the court, shall be subject to:

(1) A drug abuse assessment which shall include a clinical interview with a mental health professional and a recommendation concerning drug abuse treatment for the offender; and

(2) a criminal risk-need assessment. The criminal risk-need assessment shall assign a ~~high or low~~ risk status to the offender.

(c) If the offender is assigned a ~~high~~ risk status as determined by the drug abuse assessment performed pursuant to subsection (b)(1) and a ~~moderate or high~~ risk status as determined by the criminal risk-need assessment performed pursuant to subsection (b)(2) that meets the criteria for participation in a drug abuse treatment program as determined by the Kansas sentencing commission, the sentencing court shall commit the offender to treatment in a drug abuse treatment program until the court determines the offender is suitable for discharge by the court. The term of treatment shall not exceed 18 months. The court may extend the term of probation, pursuant to K.S.A. 2020 Supp. 21-6608(c)(3), and amendments thereto. The term of treatment may not exceed the term of probation.

(d) (1) Offenders who are committed to a drug abuse treatment program pursuant to subsection (c) shall be supervised by community correctional services.

(2) Offenders who are not committed to a drug abuse treatment program pursuant to subsection (c) shall be supervised by community correctional services or court services based on the result of the criminal risk assessment.

(3) If the offender is permitted to go from the judicial district of the sentencing court, the court may, pursuant to K.S.A. 2020 Supp. 21-6610, and amendments thereto:

(A) Transfer supervision of the offender from that judicial district to another; and

(B) either transfer or retain jurisdiction of the offender.

(e) Placement of offenders under subsection (a)(2) shall be subject to the departure sentencing statutes of the revised Kansas sentencing guidelines act.

(f) (1) Offenders in drug abuse treatment programs shall be discharged from such program if the offender:

(A) Is convicted of a new felony; or

(B) has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding.

(2) Offenders who are discharged from such program shall be subject to the revocation provisions of K.S.A. 2020 Supp. 21-6604(n), and amendments thereto.

(g) As used in this section, "mental health professional" includes licensed social workers, persons licensed to practice medicine and surgery, licensed psychologists, licensed professional counselors or registered alcohol and other drug abuse counselors licensed or certified as addiction counselors who have been certified by the secretary of corrections to treat offenders pursuant to K.S.A. 75-52,144, and amendments thereto.

(h) (1) Offenders who meet the requirements of subsection (a) shall not be subject to the provisions of this section and shall be sentenced as otherwise provided by law, if such offenders:

(A) Are residents of another state and are returning to such state pursuant to the

interstate corrections compact or the interstate compact for adult offender supervision;  
or

(B) are not lawfully present in the United States and being detained for deportation;  
or

(C) do not meet the risk assessment levels provided in subsection (c).

(2) Such sentence shall not be considered a departure and shall not be subject to appeal.

(i) The court may order an offender who otherwise does not meet the requirements of subsection (c) to undergo one additional drug abuse assessment while such offender is on probation. Such offender may be ordered to undergo drug abuse treatment pursuant to subsection (a) if such offender is determined to meet the requirements of subsection (c). The cost of such assessment shall be paid by such offender.;

On page 7, in line 25, by striking "moderate"; in line 26, by striking all before "by" and inserting "an appropriate risk level as determined by the Kansas sentencing commission";

On page 11, in line 32, after "Supp." by inserting "21-6201, 21-6322, 21-6610, 21-6824 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "clarifying supervision of offenders and authorizing the sentencing commission to determine risk levels for participation in the certified drug abuse treatment program; increasing criminal penalties for riot and incitement to riot in a correctional facility; modifying criminal penalties for unlawfully tampering with electronic monitoring equipment;"; in line 5, after "Supp." by inserting "21-6201, 21-6322, 21-6610, 21-6824 and";

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

KELLIE WARREN

RICK WILBORN

DAVID HALEY

*Conferees on part of Senate*

J. RUSSELL JENNINGS

STEPHEN OWENS

DENNIS HIGHBERGER

*Conferees on part of House*

Senator Warren moved the Senate adopt the Conference Committee Report on **HB 2026**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Hawk, Hilderbrand, Holland, Kerschen, Kloos, Longbine, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Warren, Wilborn.

Present and Passing: Francisco, Holscher, Ware.

Absent or Not Voting: Masterson.

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2077** submits the following report:

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

On page 6, following line 18, by inserting:

"Sec. 3. K.S.A. 74-7301 is hereby amended to read as follows: 74-7301. As used in this act:

(a) "Allowance expense" means reasonable charges incurred for reasonably needed products, services and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training and other remedial treatment and care and for the replacement of items of clothing or bedding which were seized for evidence. ~~Such term~~ "Allowance expense" includes a total charge not in excess of \$5,000 for expenses in any way related to funeral, cremation or burial; but ~~such term~~ "allowance expense" shall not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semi-private accommodations, unless other accommodations are medically required. ~~Such term~~ "Allowance expense" includes a total charge not in excess of \$1,000 for expenses in any way related to crime scene cleanup.

(b) "Board" means the crime victims compensation board established under K.S.A. 74-7303, and amendments thereto.

(c) "Claimant" means any of the following persons claiming compensation under this act:

- (1) A victim;
- (2) a dependent of a deceased victim;
- (3) a third person other than a collateral source; or
- (4) an authorized person acting on behalf of any of them.

(d) "Collateral source" means the net financial benefit, after deduction of taxes, legal fees, costs, expenses of litigation, liens, offsets, credits or other deductions, from a source of benefits or advantages for economic loss otherwise reparable under this act which the victim or claimant has received, or which is readily available to the victim or claimant, from:

- (1) The offender;
- (2) the government of the United States or any agency thereof, a state or any of its political subdivisions or an instrumentality or two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this act;
- (3) social security, medicare and medicaid;
- (4) state-required temporary nonoccupational disability insurance;
- (5) workers' compensation;
- (6) wage continuation programs of any employer;
- (7) proceeds of a contract of insurance payable to the victim for loss which the victim sustained because of the criminally injurious conduct;
- (8) a contract providing prepaid hospital and other health care services or benefits for disability; or

(9) damages awarded in a tort action.

(e) "Criminally injurious conduct" means conduct that: (1) (A) Occurs or is attempted in this state or occurs to a person whose domicile is in Kansas who is the victim of a violent crime which occurs in another state, possession, or territory of the United States of America may make an application for compensation if:

(i) The crimes would be compensable had it occurred in the state of Kansas; and

(ii) the places the crimes occurred are states, possessions or territories of the United States of America not having eligible crime victim compensation programs;

(B) poses a substantial threat or personal injury or death; and

(C) either is punishable by fine, imprisonment or death or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; or

(2) is an act of terrorism, as defined in 18 U.S.C. § 2331, or a violent crime that posed a substantial threat or caused personal injury or death, committed outside of the United States against a person whose domicile is in Kansas, except that criminally injurious conduct does not include any conduct resulting in injury or death sustained as a member of the United States armed forces while serving on active duty.

~~Such term shall~~ "Criminally injurious conduct" does not include conduct arising out of the ownership, maintenance or use of a motor vehicle, except for violations of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or violations of municipal ordinances or county resolutions prohibiting the acts prohibited by those statutes, or violations of K.S.A. 8-1602, and amendments thereto, K.S.A. 21-3404, 21-3405 ~~and or~~ 21-3414, prior to their repeal, or K.S.A. 2020 Supp. 21-5405, 21-5406 ~~and K.S.A. 2020 Supp. or~~ 21-5413(b), and amendments thereto, or when such conduct was intended to cause personal injury or death.

(f) "Dependent" means a natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the victim's death.

(g) "Dependent's economic loss" means loss after decedent's death of contributions of things of economic value to the decedent's dependents, not including services they would have received from the decedent if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death.

(h) "Dependent's replacement services loss" means loss reasonably incurred by dependents after decedent's death in obtaining ordinary and necessary services in lieu of those the decedent would have performed for their benefit if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death and not subtracted in calculating dependent's economic loss.

(i) "Economic loss" means economic detriment consisting only of allowable expense, work loss, replacement services loss and, if injury causes death, dependent's economic loss and dependent's replacement service loss. Noneconomic detriment is not loss, but economic detriment is loss although caused by pain and suffering or physical impairment.

(j) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment and nonpecuniary damage.

(k) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income, but for the benefit of self or family, if such person had not

been injured.

(l) "Work loss" means loss of income from work the injured person would have performed if such person had not been injured, and expenses reasonably incurred by such person in obtaining services in lieu of those the person would have performed for income, reduced by any income from substitute work actually performed by such person or by income such person would have earned in available appropriate substitute work that the person was capable of performing but unreasonably failed to undertake.

(m) "Victim" means a person who suffers personal injury or death as a result of:

- (1) Criminally injurious conduct;
- (2) the good faith effort of any person to prevent criminally injurious conduct; ~~or~~
- (3) the good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct; or
- (4) witnessing a violent crime when the person was 16 years of age or younger at the time the crime was committed.

(n) "Crime scene cleanup" means removal of blood, stains, odors or other debris caused by the crime or the processing of the crime scene.

Sec. 4. K.S.A. 2020 Supp. 74-7305 is hereby amended to read as follows: 74-7305.

(a) An application for compensation shall be made in the manner and form prescribed by the crime victims compensation division created by K.S.A. 75-773, and amendments thereto.

(b) (1) Except as otherwise provided in this subsection, compensation may not be awarded unless an application has been filed with the division within two years of the reporting of the incident to law enforcement officials if the victim was less than 16 years of age and the injury or death is the result of any of the following crimes:

~~(1) Indecent liberties with a child as defined in K.S.A. 21-3503, prior to its repeal, or K.S.A. 2020 Supp. 21-5506(a), and amendments thereto; (2) aggravated indecent liberties with a child as defined in K.S.A. 21-3504, prior to its repeal, or K.S.A. 2020 Supp. 21-5506(b), and amendments thereto; (3) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2020 Supp. 21-5504(b), and amendments thereto; (4)~~

~~(A) Enticement of a child as defined in K.S.A. 21-3509, prior to its repeal; (5) indecent solicitation of a child as defined in K.S.A. 21-3510, prior to its repeal, or K.S.A. 2020 Supp. 21-5508(a), and amendments thereto; (6) aggravated indecent solicitation of a child as defined in K.S.A. 21-3511, prior to its repeal, or K.S.A. 2020 Supp. 21-5508(b), and amendments thereto; (7) sexual exploitation of a child as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto; (8) aggravated incest as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2020 Supp. 21-5604(b), and amendments thereto; (9)~~

~~(B) human trafficking as defined in K.S.A. 21-3446, prior to its repeal, or K.S.A. 2020 Supp. 21-5426(a), and amendments thereto; (10)~~

~~(C) aggravated human trafficking as defined in K.S.A. 21-3447, prior to its repeal, or K.S.A. 2020 Supp. 21-5426(b), and amendments thereto; or (11) commercial sexual exploitation of a child as defined in K.S.A. 2020 Supp. 21-6422, and amendments thereto~~

(D) a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto.

(2) Compensation for mental health counseling may be awarded if a claim is filed

~~within two years of: (1) Testimony, to a claimant who is, or will be, required to testify in a sexually violent predator commitment, pursuant to article 29a of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, of an offender who victimized the claimant or the victim on whose behalf the claim is made; or (2) notification, to a claimant who is notified that DNA testing of a sexual assault kit or other evidence has revealed a DNA profile of a suspected offender who victimized the claimant or the victim on whose behalf the claim is made, or is notified of the identification of a suspected offender who victimized the claimant or the victim on whose behalf the claim is made, whichever occurs later to a:~~

~~(A) Victim, as defined in K.S.A. 74-7301(m)(4), and amendments thereto, if the board finds there was good cause for the failure to file within the time specified in this subsection and the claim is filed before the victim turns 19 years of age; or~~

~~(B) victim of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto, if the board finds there was good cause for the failure to file within the time specified in this subsection and:~~

~~(i) The claim is filed with the division within 10 years of the date such crime was committed; or~~

~~(ii) if the victim was less than 18 years of age at the time such crime was committed, the claim is filed within 10 years of the date the victim turns 18 years of age.~~

~~(3) For all other incidents of criminally injurious conduct, compensation may not be awarded unless the claim has been filed with the division within two years after the injury or death upon which the claim is based.~~

~~(c) Compensation may not be awarded to a claimant who was the offender or an accomplice of the offender and may not be awarded to another person if the award would unjustly benefit the offender or accomplice.~~

~~(d) Compensation otherwise payable to a claimant shall be reduced or denied, to the extent, if any that the:~~

~~(1) Economic loss upon which the claimant's claim is based is recouped from other persons, including collateral sources;~~

~~(2) board deems reasonable because of the contributory misconduct of the claimant or of a victim through whom the claimant claims; or~~

~~(3) board deems reasonable, because the victim was likely engaging in, or attempting to engage in, unlawful activity at the time of the crime upon which the claim for compensation is based. This subsection shall not be construed to reduce or deny compensation to a victim of domestic abuse or sexual assault.~~

~~(e) Compensation may be awarded only if the board finds that unless the claimant is awarded compensation the claimant will suffer financial stress as the result of economic loss otherwise reparable. A claimant suffers financial stress only if the claimant cannot maintain the claimant's customary level of health, safety and education for self and dependents without undue financial hardship. In making its determination of financial stress, the board shall consider all relevant factors, including:~~

~~(1) The number of the claimant's dependents;~~

~~(2) the usual living expenses of the claimant and the claimant's family;~~

~~(3) the special needs of the claimant and the claimant's dependents;~~

~~(4) the claimant's income and potential earning capacity; and~~

~~(5) the claimant's resources.~~

~~(e)~~(f) Compensation may not be awarded unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within 72 hours after its occurrence or the board finds there was good cause for the failure to report within that time.

~~(f)~~(g) The board, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny, withdraw or reduce an award of compensation.

~~(g)~~(h) Except in K.S.A. 21-3602 or 21-3603, prior to their repeal, or K.S.A. 2020 Supp. 21-5604, and amendments thereto, or cases of sex offenses established in article 35 of chapter 21, of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2020 Supp. 21-6419 through 21-6422, and amendments thereto, or human trafficking or aggravated human trafficking, as defined in K.S.A. 21-3446 or 21-3447, prior to their repeal, or K.S.A. 2020 Supp. 21-5426, and amendments thereto, compensation may not be awarded if the economic loss is less than \$100.

~~(h)~~(i) Compensation for work loss, replacement services loss, dependent's economic loss and dependent's replacement service loss may not exceed \$400 per week or actual loss, whichever is less.

~~(i)~~(j) Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed \$25,000 in the aggregate.

~~(j)~~(k) Nothing in subsections ~~(e)(2), (e)(3), (e) and (f)~~ (d)(2), (d)(3), (f) and (g) shall be construed to reduce or deny compensation to a victim of human trafficking or aggravated human trafficking, as defined in K.S.A. 2020 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined in K.S.A. 2020 Supp. 21-6422, and amendments thereto, who was 18 years of age or younger at the time the crime was committed and is otherwise qualified for compensation.";

Also on page 6, in line 19, before "K.S.A." by inserting "K.S.A. 74-7301 and"; also in line 19, by striking "and" and inserting a comma; also in line 19, before "are" by inserting "and 74-7305";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "and" and inserting a comma; also in line 1, after "commissions" by inserting "and boards"; in line 6, after the semicolon by inserting "relating to the crime victims compensation board; applications for compensation and mental health counseling; adding certain children to the definition of victim;"; also in line 6, after "amending" by inserting "K.S.A. 74-7301 and"; in line 7, by striking the first "and" and inserting a comma; also in line 7, after "21-6902" by inserting "and 74-7305";

KELLIE WARREN  
 RICK WILBORN  
 DAVID HALEY  
*Conferees on part of Senate*

J. RUSSELL JENNINGS  
 STEPHEN OWENS  
 DENNIS HIGHBERGER  
*Conferees on part of House*

Senator Warren moved the Senate adopt the Conference Committee Report on **HB 2077**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Masterson.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2079** submits the following report:

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

On page 1, following line 11, by inserting:

"New Section 1. Sections 1 through 7, and amendments thereto, shall be known and may be cited as the Kansas fights addiction act.

New Sec. 2. As used in sections 1 through 7, and amendments thereto:

- (a) "Act" means the Kansas fights addiction act.
- (b) "Covered conduct" means any conduct covered by opioid litigation that resulted in payment of moneys into the Kansas fights addiction fund.
- (c) "Defendant" means a defendant or putative defendant in any opioid litigation.
- (d) "Moneys that are received" includes damages, penalties, attorney fees, costs, disbursements, refunds, rebates or any other monetary payment made or paid by any defendant by reason of any judgment, consent decree or settlement, after payment of any costs or fees allocated by court order.
- (e) "Municipality" means the same as defined in K.S.A. 75-6102, and amendments thereto.
- (f) "Opioid litigation" means any civil lawsuit, demand or settlement, including any settlement in lieu of litigation, alleging unlawful conduct in the manufacturing, marketing, distribution, prescribing or other use of opioid medications and asserting or resolving claims of the state or any municipality.
- (g) "Qualified applicant" means any state entity, municipality or not-for-profit private entity that provides services for the purpose of preventing, reducing, treating or otherwise abating or remediating substance abuse or addiction and that has released its legal claims arising from covered conduct against each defendant that is required by opioid litigation to pay into the fund.
- (h) "State" means the state of Kansas, including any agency or official thereof.
- (i) "Sunflower foundation" means the sunflower foundation: health care for Kansas, established pursuant to the settlement agreement entered into by the attorney general in the action filed by blue cross and blue shield of Kansas, inc., in the district court of Shawnee county, Kansas, case No. 97CV608.

New Sec. 3. (a) Notwithstanding any other provision of law to the contrary, the

attorney general shall remit to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto, all moneys that are received by the state pursuant to opioid litigation in which the attorney general is involved that is dedicated by the terms of such litigation for the abatement or remediation of substance abuse or addiction. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount into the state treasury. The state treasurer shall credit 75% of each such deposit to the Kansas fights addiction fund and 25% of each such deposit to the municipalities fight addiction fund.

(b) There is hereby established in the state treasury the Kansas fights addiction fund, and such fund shall be administered by the attorney general. Except as provided in subsection (c), moneys in the Kansas fights addiction fund shall be expended subject to any agreement authorized under section 4(d), and amendments thereto, for grants approved by the Kansas fights addiction grant review board created by section 4, and amendments thereto, to qualified applicants for projects and activities that prevent, reduce, treat or mitigate the effects of substance abuse and addiction. Any such expenditure for a grant shall not be used to supplant any other source of funding. No moneys shall be expended from the Kansas fights addiction fund for the payment of litigation costs, expenses or attorney fees related to opioid litigation.

(c) On July 1 of each year, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the Kansas fights addiction fund to the prescription monitoring program fund established by section 8, and amendments thereto. For any fiscal year, if there are insufficient unencumbered moneys in the Kansas fights addiction fund to make such transfer, no transfer shall be made under this subsection for such fiscal year.

(d) (1) There is hereby established in the state treasury the municipalities fight addiction fund, and such fund shall be administered by the attorney general to disburse funds to municipalities. Moneys in the municipalities fight addiction fund shall be expended subject to an agreement between the attorney general, the Kansas association of counties and the league of Kansas municipalities for projects and activities that prevent, reduce, treat or mitigate the effects of substance abuse and addiction or to reimburse the municipality for previous expenses related to substance abuse mitigation or arising from covered conduct. Moneys may also be used to reimburse municipalities for the payment of litigation costs, expenses or attorney fees related to opioid litigation, except that a municipality shall first seek payment from applicable outside settlement sources or settlement fee funds prior to seeking payment from the municipalities fight addiction fund.

(2) An agreement between the attorney general, the Kansas association of counties and the league of Kansas municipalities shall determine the method for disbursing moneys from the fund, and such moneys shall be disbursed to municipalities that have not filed opioid litigation and municipalities that have filed opioid litigation and have entered into an agreement with the attorney general prior to January 1, 2022, that releases the municipality's legal claims arising from covered conduct to the attorney general and assigns any future legal claims arising from covered conduct to the attorney general.

(e) All expenditures from the Kansas fights addiction fund and the municipalities fight addiction fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports pursuant to vouchers approved by the attorney

general or the attorney general's designee.

New Sec. 4. (a) There is hereby created under the jurisdiction of the attorney general the Kansas fights addiction grant review board. At least one member of such board shall reside in each of the state's congressional districts. Each member shall serve at the pleasure of the appointing authority. Such board shall be composed of 11 members who have expertise in the prevention, reduction, treatment or mitigation of the effects of substance abuse and addiction, as follows:

(1) One member appointed by the attorney general to be designated as chairperson of the board;

(2) one member appointed by the governor;

(3) one member appointed by the president of the senate;

(4) one member appointed by the speaker of the house of representatives;

(5) one member appointed by the minority leader of the senate;

(6) one member appointed by the minority leader of the house of representatives;

(7) one member appointed by the league of Kansas municipalities;

(8) one member appointed by the Kansas association of counties;

(9) one member appointed by the Kansas county and district attorneys association;

(10) one member appointed by the association of community mental health centers of Kansas; and

(11) one member appointed by the behavioral sciences regulatory board.

(b) The board shall receive and consider applications for grants of money from the Kansas fights addiction fund. Not fewer than six members of the board voting in the affirmative shall be necessary to approve each grant, and each member shall have one vote. The board may adopt rules and procedures for its operation, conduct hearings, receive testimony and gather information to assist in its powers, duties and functions under this act.

(c) In awarding grants, the board:

(1) Shall take care to support services throughout the state and shall ensure not less than  $\frac{1}{8}$  of the total amount of moneys granted each calendar year shall be for services in each of the state's congressional districts;

(2) shall take into account science and data-driven substance abuse prevention reduction, treatment or mitigation strategies;

(3) shall consult with the Kansas prescription drug and opioid advisory committee, the department of health and environment, the insurance department and other appropriate public and private entities to ensure coordination of drug abuse and addiction prevention and mitigation efforts throughout the state;

(4) shall approve grants only in compliance with the requirements of section 3, and amendments thereto;

(5) shall consider the sustainability of programming after grant funds are exhausted;

(6) may establish conditions for the award of grants and require assurance and subsequent review to ensure such conditions are satisfied;

(7) may give preference to qualified applicants that are not otherwise seeking or receiving funds from opioid litigation; and

(8) may give preference to grants that expand availability of certified drug abuse treatment programs authorized by K.S.A. 2020 Supp. 21-6824, and amendments thereto.

(d) (1) The attorney general shall provide administrative support for the board and shall administer, monitor and assure compliance with conditions on grants awarded.

(2) To carry out the duties and responsibilities under paragraph (1), the attorney general may enter into an agreement with the sunflower foundation to provide such administration, monitoring and assurance of compliance. Such agreement may:

(A) Provide for the attorney general to periodically transfer moneys from the Kansas fights addiction fund to the sunflower foundation. The sunflower administration shall administer any such moneys in a manner consistent with this act and with grants approved by the board. If an agreement authorized by this subsection is in effect, the attorney general may transfer moneys from the Kansas fights addiction fund to the sunflower foundation pursuant to such agreement;

(B) provide for a reasonable fee or other compensation for the sunflower foundation for services related to this act;

(C) make provision for the use of any earnings on moneys transferred to the sunflower foundation pursuant to this act and invested by the sunflower foundation; and

(D) contain other provisions as may be reasonably necessary and appropriate to carry out the provisions of this act.

(3) The attorney general may take any action necessary to ensure the greatest possible recovery from opioid litigation and to seek funds for the Kansas fights addiction fund and the municipalities fight addiction fund.

(e) Members of the board shall not receive compensation or expenses for serving on the board. Each member shall file a statement of substantial interest as provided in K.S.A. 46-248 through 46-252, and amendments thereto. No member shall participate in the consideration of any grant application for which such member has a conflict of interest.

New Sec. 5. The attorney general and each municipality shall be solely responsible for paying all costs, expenses and attorney fees arising from opioid litigation brought under their respective authorities, including any attorney fees owed to private legal counsel, and may seek payment or reimbursement of such costs, expenses and attorney fees from moneys not deposited in the Kansas fights addiction fund.

New Sec. 6. (a) Except as provided by subsection (b), on and after January 1, 2021, no municipality shall file or become a party to opioid litigation in any court without the prior approval of the attorney general. Any municipality that filed or became a party to opioid litigation on or after January 1, 2021, through the effective date of the Kansas fights addiction act shall withdraw from such opioid litigation, unless such municipality receives approval from the attorney general to maintain such opioid litigation.

(b) This section shall not apply to or affect any municipality that filed or became a party to opioid litigation in court prior to January 1, 2021.

New Sec. 7. Not later than March 1 of each year, the Kansas fights addiction grant review board shall submit to the speaker of the house of representatives, the president of the senate, the governor and the attorney general a report of the board's activities during the prior calendar year, including:

(a) An accounting of moneys deposited into and expended from the Kansas fights addiction fund;

(b) a summary of each approved grant, including the name and a detailed description of the qualified applicant, the amount granted, the justification for the grant with a detailed description of the grant's intended use and any other relevant

information the board deems appropriate;

(c) an explanation of how the board's actions during the year have complied with the requirements of this act; and

(d) any other relevant information the board deems appropriate.

New Sec. 8. (a) There is hereby established in the state treasury the prescription monitoring program fund. Such fund shall be administered by the president of the state board of pharmacy or the president's designee. All expenditures from the prescription monitoring program fund shall be for the purpose of operating the prescription monitoring program that is established in accordance with the prescription monitoring program act. All expenditures from the prescription monitoring program fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the state board of pharmacy or the president's designee.

(b) This section shall be a part of and supplemental to the prescription monitoring program act.";

Also on page 1, in line 33, by striking "2" and inserting "10";

On page 15, following line 35, by inserting:

"Sec. 29. K.S.A. 75-759 is hereby amended to read as follows: 75-759. (a) (1) A notice offering help to victims of human trafficking shall be accessible on the official website of the attorney general, the official website of the department for children and families and the official website of the department of labor, ~~and may,~~

(2) The notice described in this subsection shall be posted in a prominent and accessible location in workplaces any place required to post notices pursuant to:

(A) The Kansas act against discrimination, K.S.A. 44-1012, and amendments thereto;

(B) the Kansas age discrimination in employment act, K.S.A. 44-1114, and amendments thereto;

(C) the Kansas child labor law, K.S.A. 38-605, and amendments thereto;

(D) the employment security law and rules and regulations adopted under the employment security law; or

(E) the workers compensation act and rules and regulations adopted under the workers compensation act.

(3) The notice described in this subsection shall be posted in a location visible to members of the public in the following public places:

(A) Sexually oriented businesses as defined by K.S.A. 12-770, and amendments thereto;

(B) massage parlors;

(C) healthcare facilities;

(D) convenience stores and truck stops; and

(E) rest areas and visitors centers under state supervision or control.

(b) The notice shall provide such information attorney general shall adopt rules and regulations prescribing the content, size and other characteristics of such notices as the attorney general determines appropriate to help and support victims of human trafficking, including, but not limited to, information regarding the national human trafficking hotline as follows:

"If you or someone you know is being forced to engage in any activity and cannot leave — whether it is commercial sex, housework, farm work or any other activity call

the toll-free National Human Trafficking Hotline at 1-888-373-7888 to access help and services. The toll-free hotline is:

- Available 24 hours a day, 7 days a week
- Operated by a nonprofit, nongovernmental organization
- Anonymous and confidential
- Accessible in 170 languages
- Able to provide help, referral to services, training, and general information."

(c) The notice described in this section shall be made available in English, Spanish, and, if requested by an employer, another language.

(d) The secretary of labor, in consultation with the attorney general, shall develop and implement an education plan to raise awareness among Kansas employers about the problem of human trafficking, about the hotline described in this section, and about other resources that may be available to employers, employees, and potential victims of human trafficking. ~~On or before February 1, 2014, the secretary shall report to the standing committees on judiciary in the senate and the house of representatives, respectively, on the progress achieved in developing and implementing the notice requirement and education plan required by this section."~~

Also on page 15, in line 38, by striking the first "and" and inserting a comma; also in line 38, after "75-458" by inserting "and 75-759"; in line 41, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "enacting the Kansas fights addiction act; prescribing powers, duties and functions of the attorney general related thereto; providing for the expenditure of moneys recovered in opioid litigation; transferring a portion of such moneys annually for the operation of the prescription monitoring program; establishing a grant program to address the effects of substance abuse and addiction; Kansas fights addiction grant review board; Kansas fights addiction fund, municipalities fight addiction fund and prescription monitoring program fund; relating to"; in line 6, after the semicolon by inserting "requiring certain businesses and public places to post notices offering help to victims of human trafficking"; in line 8, by striking the first "and" and inserting a comma; also in line 8, after "75-458" by inserting "and 75-759";

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

RICK BILLINGER

J.R. CLAEYS

TOM HAWK

*Conferees on part of Senate*

FRED PATTON

BRADLEY RALPH

JOHN CARMICHAEL

*Conferees on part of House*

Senator Billinger moved the Senate adopt the Conference Committee Report on **HB 2079**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Masterson.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2121** submits the following report:

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

On page 1, following line 11, by inserting:

"Section 1. K.S.A. 2020 Supp. 8-246 is hereby amended to read as follows: 8-246.

(a) If a driver's license issued under the provisions of this act is lost or destroyed, or if a new name is acquired, the person to whom such driver's license was issued may obtain a replacement upon:

(1) Furnishing satisfactory proof of the loss, destruction or name change to the division, including an affidavit stating the circumstances of the loss, destruction or name change;

(2) payment of a fee of \$8; and

(3) furnishing proof of the person's identity as provided in subsection (b). The driver's license examiner also shall compare the applicant with the division's existing information and facial image database.

(b) For the purposes of obtaining a replacement driver's license, proof of a person's identity shall include at least two of the following documents, one of the documents shall bear the person's signature and one of the documents shall bear the person's age or one of the documents shall bear the person's signature and age:

(1) Military identification card;

(2) military dependent identification card;

(3) military discharge papers;

(4) military DD214;

(5) an original or certified copy of a state issued birth certificate;

(6) marriage license;

(7) medicare identification card;

(8) certified copy of court order specifying a change of name of the person;

(9) commercially produced school yearbook with photograph of the person, and the book is less than five years old;

(10) an official passport issued by any country;

(11) alien registration documents issued by the United States;

(12) expired or current driver's license or identification card issued by the Kansas division of vehicles or an expired or current driver's license or identification card of another state issued by similar authority, and for any document in this ~~item~~ paragraph (12) the document must bear a photograph of the person;

(13) student identification card bearing the photograph of the person;

- (14) employee identification card bearing the photograph of the person;
- (15) a copy of any federal or state income tax return bearing the signature of the person;~~or~~
- (16) an identification certificate issued by the department of corrections to an offender under the supervision of the secretary of corrections;~~or~~
- (17) an identification certificate issued by a court services or community corrections agency to an offender under the probation supervision of such agency.

(c) The division may waive the furnishing of one of the documents required by subsection (b) in the case of:

- (1) A person who is 65 or more years of age; or
- (2) an inmate who has been released on parole, conditional release or expiration of the inmate's maximum sentence. When additional clarification is needed to adequately describe any of the above items, the division shall specify such clarification in making the requirement for such item.

(d) In lieu of providing one of the documents required by subsection (b), a person may recite to the satisfaction of the driver's license examiner the recent motor vehicle operating record of the person.

(e) Any person who loses a driver's license and who, after obtaining a replacement, finds the original license shall immediately surrender the original license to the division.";

On page 6, following line 6, by inserting:

"Sec. 5. K.S.A. 75-5216 is hereby amended to read as follows: 75-5216. (a) Parole officers shall investigate all persons referred to them for investigation by the secretary of corrections. Parole officers shall furnish to each person released under their supervision a written statement of the conditions of parole or postrelease supervision and shall give instructions regarding these conditions. Parole officers shall keep informed of the conduct and condition of a parolee or inmate on postrelease supervision and use all suitable methods to aid, encourage and bring about improvement in the conduct and condition of such parolee or inmate ~~or on~~ postrelease supervision. Parole officers shall keep detailed records of their work and shall make such reports in writing and perform such other duties as may be incidental to those above enumerated or as the secretary may require. Parole officers shall coordinate their work with that of social welfare agencies.

(b) The secretary of corrections shall develop guidance for use by parole officers that includes intervention responses to behavior that would constitute a violation of parole or postrelease supervision and incentive responses to compliant behavior and pro-social achievements. Parole officers shall use such guidance developed by the secretary while supervising offenders on parole or postrelease supervision.;"

On page 9, in line 15, after "22-2809" by inserting ", 75-5216"; also in line 15, after "Supp." by inserting "8-246,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "relating to issuance of identification certificates by court services and community corrections agencies; use thereof to obtain replacement driver's license;"; in line 7, after the semicolon by inserting "requiring the secretary of corrections to develop guidance to address violations of parole and postrelease supervision;"; also in line 7, after "22-2809" by inserting ", 75-5216"; in line 8, after "Supp." by inserting "8-246,";

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

KELLIE WARREN

RICK WILBORN

DAVID HALEY

*Conferees on part of Senate*

J. RUSSELL JENNINGS

STEPHEN OWENS

DENNIS HIGHBERGER

*Conferees on part of House*

Senator Warren moved the Senate adopt the Conference Committee Report on **HB 2121**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Masterson.

The Conference Committee Report was adopted.

#### **CONFERENCE COMMITTEE REPORT**

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2158** submits the following report:

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

On page 1, following line 9, by inserting:

"WHEREAS, The amendments made to the provisions of K.S.A. 2020 Supp. 38-2226 by this act shall be known as Adrian's Law.

Now, therefore:"

Also on page 1, following line 11, by inserting:

"New Section 1. (a) There is hereby established the joint committee on child welfare system oversight. The joint committee shall review:

(1) Data on child maltreatment and demographic trends impacting the child welfare system;

(2) the duties, responsibilities and contributions of the Kansas department for children and families, the Kansas department for aging and disability services, the department of health and environment, the department of corrections, law enforcement and the judicial branch that comprise and impact the child welfare system;

(3) the programs, services and benefits offered directly or through grants or contracts by the Kansas department for children and families, the Kansas department for aging and disability services, the department of health and environment and the judicial branch that impact children and families at risk of becoming involved or who are involved in the child welfare system, including:

- (A) Child maltreatment prevention;
  - (B) investigations of child maltreatment;
  - (C) in-home family services, including services offered through federal prevention and family preservation funding; and
  - (D) foster care, reintegration and adoption services;
- (4) trends, performance outcomes, activities and improvement plans related to the federal child and family services reviews;
  - (5) reports from child welfare-related groups, including, but not limited to, citizen review panels, the Kansas supreme court permanency planning task force, the Kansas children's cabinet and any interim study committees or work groups authorized by the Kansas legislature;
  - (6) implementation of the 2019 child welfare system task force report recommendations, including top-tier recommendations related to the child welfare workforce, data technology, access to behavioral healthcare for high-risk youth and implementation of the federal family first prevention services act;
  - (7) reports on concerns received from the Kansas department for children and families child welfare ombudsman or customer service department or similar office;
  - (8) opportunities for Kansas to strengthen the child welfare system through evidence-based interventions and services for children and families;
  - (9) data and trends on family foster home licenses issued pursuant to K.S.A. 65-516(b), and amendments thereto;
  - (10) the exception to state child death review board confidentiality for city or county entities with the express purpose of providing local review of child deaths pursuant to K.S.A. 2020 Supp. 22a-243, and amendments thereto; and
  - (11) any other topic the joint committee deems appropriate.
- (b) The joint committee shall consist of 13 members of the legislature appointed as follows:
- (1) Two members of the house of representatives standing committee on children and seniors appointed by the speaker of the house of representatives;
  - (2) one member of the house of representatives standing committee on children and seniors appointed by the minority leader of the house of representatives;
  - (3) two members of the senate standing committee on public health and welfare appointed by the president of the senate;
  - (4) one member of the senate standing committee on public health and welfare appointed by the minority leader of the senate;
  - (5) two members of the house of representatives appointed by the speaker of the house of representatives;
  - (6) one member of the house of representatives appointed by the minority leader of the house of representatives;
  - (7) two members of the senate appointed by the president of the senate;
  - (8) one member of the senate appointed by the minority leader of the senate; and
  - (9) one member of the house of representatives appointed by the majority leader of the house of representatives.
- (c) Members shall be appointed for terms coinciding with the legislative terms for which such members are elected or appointed. All members appointed to fill vacancies in the membership of the joint committee and all members appointed to succeed members appointed to the membership on the joint committee shall be appointed in the

manner provided for the original appointment of the member succeeded.

(d) (1) Within 30 days of the effective date of this section, the first chairperson of the joint committee shall be appointed by the president of the senate from among the members of the joint committee appointed by the president of the senate. The chairperson and vice-chairperson of the joint committee shall alternate annually between the members appointed by the president of the senate and the speaker of the house of representatives.

(2) The speaker of the house of representatives shall designate a representative member to be the chairperson or the vice-chairperson of the joint committee as provided in this section. The president of the senate shall designate a senator member to be the chairperson or the vice-chairperson of the joint committee as provided in this section. The ranking minority member shall be from the same chamber as the chairperson. The minority leader of the senate shall designate a senator member to be the ranking minority member of the joint committee as provided in this section. The minority leader of the house of representatives shall designate a representative member to be the ranking minority member of the joint committee as provided in this section.

(e) The members originally appointed as members of the joint committee shall meet upon the call of the chairperson on or after January 1, 2021. Thereafter, the joint committee shall meet at least once during each of the first and second calendar quarters when the legislature is in regular session and at least once during each of the third and fourth calendar quarters, on the call of the chairperson, but not to exceed six meetings in a calendar year.

(f) Seven members of the joint committee shall constitute a quorum.

(g) At the beginning of each regular session of the legislature, the joint committee shall submit to the president of the senate, the speaker of the house of representatives, the house standing committee on children and seniors and the senate standing committee on public health and welfare a written report that shall include recommended changes to current laws, rules and regulations and policies regarding the safety and well-being of children in the child welfare system in the state of Kansas.

(h) Members of the joint committee shall be paid compensation, amounts for travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, for attendance at any meeting of the joint committee or any subcommittee meeting authorized by the committee.

(i) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee.

(j) The joint committee may make recommendations and introduce legislation as it deems necessary in performing its functions.;

On page 3, in line 25, by striking all after "K.S.A."; in line 26, by striking "5101a" and inserting "21-2501a"; in line 36, by striking all after "K.S.A."; in line 37, by striking "5101a" and inserting "21-2501a"; in line 38, after "child" by inserting a semicolon; in line 39, after "(6)" by inserting "(A)"; in line 42, by striking "(A)" and inserting "(i)"; in line 43, by striking "(B)" and inserting "(ii)"; following line 43, by inserting:

"(B) the provisions of this paragraph shall expire on July 1, 2026, unless the legislature reviews and reenacts such provisions prior to July 1, 2026; and

(C) the joint committee on child welfare system oversight shall review the

provisions of this paragraph pursuant to section 1, and amendments thereto;"

On page 4, following line 25, by inserting:

"Sec. 3. K.S.A. 2020 Supp. 38-2226 is hereby amended to read as follows: 38-2226. (a) *Investigation for child abuse or neglect.* The secretary and law enforcement officers shall have the duty to receive and investigate reports of child abuse or neglect for the purpose of determining whether the report is valid and whether action is required to protect a child. Any person or agency which maintains records relating to the involved child which are relevant to any investigation conducted by the secretary or law enforcement agency under this code shall provide the secretary or law enforcement agency with the necessary records to assist in investigations. In order to provide such records, the person or agency maintaining the records shall receive from the secretary or law enforcement agency: (1) A written request for information; and (2) a written notice that the investigation is being conducted by the secretary or law enforcement. If the secretary and such officers determine that no action is necessary to protect the child but that a criminal prosecution should be considered, such law enforcement officers shall make a report of the case to the appropriate law enforcement agency.

(b) *Joint investigations.* When a report of child abuse or neglect indicates: (1) That there is serious physical harm to, serious deterioration of or sexual abuse of the child; and (2) that action may be required to protect the child, the investigation shall be conducted as a joint effort between the secretary and the appropriate law enforcement agency or agencies, with a free exchange of information between them pursuant to K.S.A. 2020 Supp. 38-2210, and amendments thereto. If a statement of a suspect is obtained by either agency, a copy of the statement shall be provided to the other.

(c) *Investigation of certain cases.* Suspected child abuse or neglect which occurs in an institution operated by the Kansas department of corrections shall be investigated by the attorney general or secretary of corrections. Any suspected child abuse or neglect in an institution operated by the Kansas department for aging and disability services, or by persons employed by the Kansas department for aging and disability services or the Kansas department for children and families, or of children of persons employed by either department, shall be investigated by the appropriate law enforcement agency.

(d) *Coordination of investigations by county or district attorney.* If a dispute develops between agencies investigating a reported case of child abuse or neglect, the appropriate county or district attorney shall take charge of, direct and coordinate the investigation.

(e) *Investigations concerning certain facilities.* Any investigation involving a facility subject to licensing or regulation by the secretary of health and environment shall be promptly reported to the state secretary of health and environment.

(f) *Cooperation between agencies.* Law enforcement agencies and the secretary shall assist each other in taking action which is necessary to protect a child regardless of which agency conducted the initial investigation.

(g) *Cooperation between school personnel and investigative agencies.* (1) Educational institutions, the secretary and law enforcement agencies shall cooperate with each other in the investigation of reports of suspected child abuse or neglect. The secretary and law enforcement agencies shall have access to a child in a setting designated by school personnel on the premises of an educational institution. Attendance at an interview conducted on such premises shall be at the discretion of the agency conducting the interview, giving consideration to the best interests of the child.

To the extent that safety and practical considerations allow, law enforcement officers on such premises for the purpose of investigating a report of suspected child abuse or neglect shall not be in uniform.

(2) The secretary or a law enforcement officer may request the presence of school personnel during an interview if the secretary or officer determines that the presence of such person might provide comfort to the child or facilitate the investigation.

(h) *Visual observation required.* As part of any investigation conducted pursuant to this section, the secretary, or the secretary's designee, or the law enforcement agency, or such agency's designee, that is conducting the investigation shall visually observe the child who is the alleged victim of abuse or neglect. In the case of a joint investigation conducted pursuant to subsection (b), the secretary and the investigating law enforcement agency, or the designees of the secretary and such agency, shall both visually observe the child who is the alleged victim of abuse or neglect. All investigation reports shall include the date, time and location of any visual observation of a child that is required by this subsection.

Sec. 4. K.S.A. 2020 Supp. 39-709 is hereby amended to read as follows: 39-709. (a) *General eligibility requirements for assistance for which federal moneys are expended.* Subject to the additional requirements below, assistance in accordance with plans under which federal moneys are expended may be granted to any needy person who:

(1) Has insufficient income or resources to provide a reasonable subsistence compatible with decency and health. Where a husband and wife or cohabiting partners are living together, the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary, in determining need of any applicant for or recipient of assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of assistance unless such applicant or recipient is such individual's spouse, cohabiting partner or such individual's minor child or minor stepchild if the stepchild is living with such individual. The secretary in determining need of an individual may provide such income and resource exemptions as may be permitted by federal law. For purposes of eligibility for temporary assistance for needy families, for food assistance and for any other assistance provided through the Kansas department for children and families under which federal moneys are expended, the secretary for children and families shall consider one motor vehicle owned by the applicant for assistance, regardless of the value of such vehicle, as exempt personal property and shall consider any equity in any boat, personal water craft, recreational vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined by K.S.A. 8-126, and amendments thereto, or any additional motor vehicle owned by the applicant for assistance to be a nonexempt resource of the applicant for assistance except that any additional motor vehicle used by the applicant, the applicant's spouse or the applicant's cohabiting partner for the primary purpose of earning income may be considered as exempt personal property in the secretary's discretion.

(2) Is a citizen of the United States or is an alien lawfully admitted to the United States and who is residing in the state of Kansas.

(b) *Temporary assistance for needy families.* Assistance may be granted under this act to any dependent child, or relative, subject to the general eligibility requirements as set out in subsection (a), who resides in the state of Kansas or whose parent or other

relative with whom the child is living resides in the state of Kansas. Such assistance shall be known as temporary assistance for needy families. Where the husband and wife or cohabiting partners are living together, both shall register for work under the program requirements for temporary assistance for needy families in accordance with criteria and guidelines prescribed by rules and regulations of the secretary.

(1) As used in this subsection, "family group" or "household" means the applicant or recipient for TANF, child care subsidy or employment services and all individuals living together in which there is a relationship of legal responsibility or a qualifying caretaker relationship. This will include a cohabiting boyfriend or girlfriend living with the person legally responsible for the child. The family group shall not be eligible for TANF if the family group contains at least one adult member who has received TANF, including the federal TANF assistance received in any other state, for 24 calendar months beginning on and after October 1, 1996, unless the secretary determines a hardship exists and grants an extension allowing receipt of TANF until the 36-month limit is reached. No extension beyond 36 months shall be granted. Hardship provisions for a recipient include:

- (A) Is a caretaker of a disabled family member living in the household;
- (B) has a disability which precludes employment on a long-term basis or requires substantial rehabilitation;
- (C) needs a time limit extension to overcome the effects of domestic violence/sexual assault;
- (D) is involved with prevention and protection services (PPS) and has an open social service plan; or
- (E) is determined by the 24<sup>th</sup> month to have an extreme hardship other than what is designated in criteria listed in subparagraphs (A) through (D). This determination will be made by the executive review team.

(2) All adults applying for TANF shall be required to complete a work program assessment as specified by the Kansas department for children and families, including those who have been disqualified for or denied TANF due to non-cooperation, drug testing requirements or fraud. Adults who are not otherwise eligible for TANF, such as ineligible aliens, relative/non-relative caretakers and adults receiving supplemental security income are not required to complete the assessment process. During the application processing period, applicants must complete at least one module or its equivalent of the work program assessment to be considered eligible for TANF benefits, unless good cause is found to be exempt from the requirements. Good cause exemptions shall only include:

- (A) The applicant can document an existing certification verifying completion of the work program assessment;
- (B) the applicant has a valid offer of employment or is employed a minimum of 20 hours a week;
- (C) the applicant is a parenting teen without a GED or high school diploma;
- (D) the applicant is enrolled in job corps;
- (E) the applicant is working with a refugee social services agency; or
- (F) the applicant has completed the work program assessment within the last 12 months.

(3) The department for children and families shall maintain a sufficient level of dedicated work program staff to enable the agency to conduct work program case

management services to TANF recipients in a timely manner and in full accordance with state law and agency policy.

(4) TANF mandatory work program applicants and recipients shall participate in work components that lead to competitive, integrated employment. Components are defined by the federal government as being either primary or secondary. In order to meet federal work participation requirements, households need to meet at least 30 hours of participation per week, at least 20 hours of which need to be primary and at least 10 hours may be secondary components in one parent households where the youngest child is six years of age or older. Participation hours shall be 55 hours in two parent households (35 hours per week if child care is not used). The maximum assignment is 40 hours per week per individual. For two parent families to meet the federal work participation rate both parents must participate in a combined total of 55 hours per week, 50 hours of which must be in primary components, or one or both parents could be assigned a combined total of 35 hours per week (30 hours of which must be primary components) if department for children and families paid child care is not received by the family. Single parent families with a child under age six meet the federal participation requirement if the parent is engaged in work or work activities for at least 20 hours per week in a primary work component. The following components meet federal definitions of primary hours of participation: Full or part-time employment, apprenticeship, work study, self-employment, job corps, subsidized employment, work experience sites, on-the-job training, supervised community service, vocational education, job search and job readiness. Secondary components include: Job skills training, education directly related to employment such as adult basic education and English as a second language, and completion of a high school diploma or GED.

(5) A parent or other adult caretaker personally providing care for a child under the age of three months in their TANF household is exempt from work participation activities until the month the child turns three months of age. Such three-month limitation shall not apply to a parent or other adult caretaker who is personally providing care for a child born significantly premature, with serious medical conditions or with a disability as defined by the secretary, in consultation with the secretary of health and environment, and adopted in the rules and regulations. The three-month period is defined as two consecutive months starting with the month after childbirth. The exemption for caring for a child under three months cannot be claimed:

(A) By either parent when two parents are in the home and the household meets the two-parent definition for federal reporting purposes;

(B) by one parent or caretaker when the other parent or caretaker is in the home, and available, capable and suitable to provide care and the household does not meet the two-parent definition for federal reporting purposes;

(C) by a person age 19 or younger when such person is pregnant or a parent of a child in the home and the person does not possess a high school diploma or its equivalent. Such person shall become exempt the month such person turns age 20; or

(D) by any person assigned to a work participation activity for substance use disorders.

(6) TANF work experience placements shall be reviewed after 90 days and are limited to six months per 24-month lifetime limit. A client's progress shall be reviewed prior to each new placement regardless of the length of time they are at the work experience site.

(7) TANF participants with disabilities shall engage in required employment activities to the maximum extent consistent with their abilities. TANF participants shall provide current documentation by a qualified medical practitioner that details the abilities to engage in employment and any limitations in work activities along with the expected duration of such limitations. Disability is defined as a physical or mental impairment constituting or resulting in a substantial impediment to employment for such individual.

(8) Non-cooperation is the failure of the applicant or recipient to comply with all requirements provided in state and federal law, federal and state rules and regulations and agency policy. The period of ineligibility for TANF benefits based on non-cooperation with work programs shall be as follows:

(A) For a first penalty, three months and full cooperation with work program activities;

(B) for a second penalty, six months and full cooperation with work program activities;

(C) for a third penalty, one year and full cooperation with work program activities; and

(D) for a fourth or subsequent penalty, 10 years.

(9) Individuals that have not cooperated with TANF work programs shall be ineligible to participate in the food assistance program. The comparable penalty shall be applied to only the individual in the food assistance program who failed to comply with the TANF work requirement. The agency shall impose the same penalty to the member of the household who failed to comply with TANF requirements. The penalty periods are three months, six months, one year, or 10 years.

(10) Non-cooperation is the failure of the applicant or recipient to comply with all requirements provided in state and federal law, federal and state rules and regulations and agency policy. The period of ineligibility for child care subsidy or TANF benefits based on parents' non-cooperation with child support services shall be as follows:

(A) For the first penalty, three months and cooperation with child support services prior to regaining eligibility;

(B) for a second penalty, six months and cooperation with child support services prior to regaining eligibility;

(C) for a third penalty, one year and cooperation with child support services prior to regaining eligibility; and

(D) for a fourth penalty, 10 years.

(11) Individuals that have not cooperated without good cause with child support services shall be ineligible to participate in the food assistance program. The period of disqualification ends once it has been determined that such individual is cooperating with child support services.

(12) (A) Any individual who is found to have committed fraud or is found guilty of the crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and K.S.A. 2020 Supp. 21-5801, and amendments thereto, in either the TANF or child care program shall render all adults in the family unit ineligible for TANF assistance. Adults in the household who were determined to have committed fraud or were convicted of the crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and K.S.A. 2020 Supp. 21-5801, and amendments thereto, shall render themselves and all adult household members ineligible for their lifetime for TANF, even if fraud was committed

in only one program. Households who have been determined to have committed fraud or were convicted of the crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and K.S.A. 2020 Supp. 21-5801, and amendments thereto, shall be required to name a protective payee as approved by the secretary or the secretary's designee to administer TANF benefits or food assistance on behalf of the children. No adult in a household may have access to the TANF cash assistance benefit.

(B) Any individual that has failed to cooperate with a fraud investigation shall be ineligible to participate in the TANF cash assistance program and the child care subsidy program until the department for children and families determines that such individual is cooperating with the fraud investigation. The department for children and families shall maintain a sufficient level of fraud investigative staff to enable the department to conduct fraud investigations in a timely manner and in full accordance with state law and department rules and regulations or policies.

(13) (A) Food assistance shall not be provided to any person convicted of a felony offense occurring on or after July 1, 2015, which includes as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog. For food assistance, the individual shall be permanently disqualified if they have been convicted of a state or federal felony offense occurring on or after July 1, 2015, involving possession or use of a controlled substance or controlled substance analog.

(B) Notwithstanding the provisions of subparagraph (A), an individual shall be eligible for food assistance if the individual enrolls in and participates in a drug treatment program approved by the secretary, submits to and passes a drug test and agrees to submit to drug testing if requested by the department pursuant to a drug testing plan.

An individual's failure to submit to testing or failure to successfully pass a drug test shall result in ineligibility for food assistance until a drug test is successfully passed. Failure to successfully complete a drug treatment program shall result in ineligibility for food assistance until a drug treatment plan approved by the secretary is successfully completed, the individual passes a drug test and agrees to submit to drug testing if requested by the department pursuant to a drug testing plan.

(C) The provisions of subparagraph (B) shall not apply to any individual who has been convicted for a second or subsequent felony offense as provided in subparagraph (A).

(14) No TANF cash assistance shall be used to purchase alcohol, cigarettes, tobacco products, lottery tickets, concert tickets, professional or collegiate sporting event tickets or tickets for other entertainment events intended for the general public or sexually oriented adult materials. No TANF cash assistance shall be used in any retail liquor store, casino, gaming establishment, jewelry store, tattoo parlor, massage parlor, body piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store, vapor cigarette store, psychic or fortune telling business, bail bond company, video arcade, movie theater, swimming pool, cruise ship, theme park, dog or horse racing facility, parimutuel facility, or sexually oriented business or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, or in any business or retail establishment where minors under age 18 are not permitted. No TANF cash assistance shall be used for purchases at points of sale outside the state of Kansas.

(15) (A) The secretary for children and families shall place a photograph of the recipient, if agreed to by such recipient of public assistance, on any Kansas benefits card issued by the Kansas department for children and families that the recipient uses in obtaining food, cash or any other services. When a recipient of public assistance is a minor or otherwise incapacitated individual, a parent or legal guardian of such recipient may have a photograph of such parent or legal guardian placed on the card.

(B) Any Kansas benefits card with a photograph of a recipient shall be valid for voting purposes as a public assistance identification card in accordance with the provisions of K.S.A. 25-2908, and amendments thereto.

(C) As used in this paragraph and its subparagraphs, "Kansas benefits card" means any card issued to provide food assistance, cash assistance or child care assistance, including, but not limited to, the vision card, EBT card and Kansas benefits card.

(D) The Kansas department for children and families shall monitor all recipient requests for a Kansas benefits card replacement and, upon the fourth such request in a 12-month period, send a notice alerting the recipient that the recipient's account is being monitored for potential suspicious activity. If a recipient makes an additional request for replacement subsequent to such notice, the department shall refer the investigation to the department's fraud investigation unit.

(16) The secretary for children and families shall adopt rules and regulations:

(A) In determining eligibility for the child care subsidy program, including an income of a cohabiting partner in a child care household; and

(B) in determining and maintaining eligibility for non-TANF child care, requiring that all included adults shall be employed a minimum of 20 hours per week or more as defined by the secretary or meet the following specific qualifying exemptions:

(i) Adults who are not capable of meeting the requirement due to a documented physical or mental condition;

(ii) adults who are former TANF recipients who need child care for employment after their TANF case has closed and earned income is a factor in the closure in the two months immediately following TANF closure;

(iii) adult parents included in a case in which the only child receiving benefits is the child of a minor parent who is working on completion of high school or obtaining a GED;

(iv) adults who are participants in a food assistance employment and training program; ~~or~~

(v) adults who are participants in an early head start child care partnership program and are working or in school or training; or

(vi) adults who are caretakers of a child in custody of the secretary in out-of-home placement needing child care.

The department for children and families shall provide child care for the pursuit of any degree or certification if the occupation has at least an average job outlook listed in the occupational outlook of the U.S. department of labor, bureau of labor statistics. For occupations with less than an average job outlook, educational plans shall require approval of the secretary or secretary's designee. Child care may also be approved if the student provides verification of a specific job offer that will be available to such student upon completion of the program. Child care for post-secondary education shall be allowed for a lifetime maximum of 24 months per adult. The 24 months may not have to be consecutive. Students shall be engaged in paid employment for a minimum of 15

hours per week. In a two-parent adult household, child care would not be allowed if both parents are adults and attending a formal education or training program at the same time. The household may choose which one of the parents is participating as a post-secondary student. The other parent shall meet another approvable criteria for child care subsidy.

(17) (A) The secretary for children and families is prohibited from requesting or implementing a waiver or program from the U.S. department of agriculture for the time limited assistance provisions for able-bodied adults aged 18 through 49 without dependents in a household under the food assistance program. The time on food assistance for able-bodied adults aged 18 through 49 without dependents in the household shall be limited to three months in a 36-month period if such adults are not meeting the requirements imposed by the U.S. department of agriculture that they must work for at least 20 hours per week or participate in a federally approved work program or its equivalent.

(B) Each food assistance household member who is not otherwise exempt from the following work requirements shall: Register for work; participate in an employment and training program, if assigned to such a program by the department; accept a suitable employment offer; and not voluntarily quit a job of at least 30 hours per week.

(C) Any recipient who has not complied with the work requirements under subparagraph (B) shall be ineligible to participate in the food assistance program for the following time period and until the recipient complies with such work requirements:

- (i) For a first penalty, three months;
- (ii) for a second penalty, six months; and
- (iii) for a third penalty and any subsequent penalty, one year.

(18) Eligibility for the food assistance program shall be limited to those individuals who are citizens or who meet qualified non-citizen status as determined by U.S. department of agriculture. Non-citizen individuals who are unable or unwilling to provide qualifying immigrant documentation, as defined by the U.S. department of agriculture, residing within a household shall not be included when determining the household's size for the purposes of assigning a benefit level to the household for food assistance or comparing the household's monthly income with the income eligibility standards. The gross non-exempt earned and unearned income and resources of disqualified individuals shall be counted in its entirety as available to the remaining household members.

(19) The secretary for children and families shall not enact the state option from the U.S. department of agriculture for broad-based categorical eligibility for households applying for food assistance according to the provisions of 7 C.F.R. § 273.2(j)(2)(ii).

(20) No federal or state funds shall be used for television, radio or billboard advertisements that are designed to promote food assistance benefits and enrollment. No federal or state funding shall be used for any agreements with foreign governments designed to promote food assistance.

(21) (A) The secretary for children and families shall not apply gross income standards for food assistance higher than the standards specified in 7 U.S.C. § 2015(c) unless expressly required by federal law. Categorical eligibility exempting households from such gross income standards requirements shall not be granted for any non-cash, in-kind or other benefit unless expressly required by federal law.

(B) The secretary for children and families shall not apply resource limits standards

for food assistance that are higher than the standards specified in 7 U.S.C. § 2015(g)(1) unless expressly required by federal law. Categorical eligibility exempting households from such resource limits shall not be granted for any non-cash, in-kind or other benefit unless expressly required by federal law.

(c) (1) On and after January 1, 2017, the department for children and families shall conduct an electronic check for any false information provided on an application for TANF and other benefits programs administered by the department. For TANF cash assistance, food assistance and the child care subsidy program, the department shall verify the identity of all adults in the assistance household.

(2) The department of administration shall provide monthly to the Kansas department for children and families the social security numbers or alternate taxpayer identification numbers of all persons who claim a Kansas lottery prize in excess of \$5,000 during the reported month. The Kansas department for children and families shall verify if individuals with such winnings are receiving TANF cash assistance, food assistance or assistance under the child care subsidy program and take appropriate action. The Kansas department for children and families shall use data received under this subsection solely, and for no other purpose, to determine if any recipient's eligibility for benefits has been affected by lottery prize winnings. The Kansas department for children and families shall not publicly disclose the identity of any lottery prize winner, including recipients who are determined to have illegally received benefits.

(d) *Temporary assistance for needy families; assignment of support rights and limited power of attorney.* By applying for or receiving temporary assistance for needy families such applicant or recipient shall be deemed to have assigned to the secretary on behalf of the state any accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. In any case in which an order for child support has been established and the legal custodian and obligee under the order surrenders physical custody of the child to a caretaker relative without obtaining a modification of legal custody and support rights on behalf of the child are assigned pursuant to this section, the surrender of physical custody and the assignment shall transfer, by operation of law, the child's support rights under the order to the secretary on behalf of the state. Such assignment shall be of all accrued, present or future rights to support of the child surrendered to the caretaker relative. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant, recipient or obligee. By applying for or receiving temporary assistance for needy families, or by surrendering physical custody of a child to a caretaker relative who is an applicant or recipient of such assistance on the child's behalf, the applicant, recipient or obligee is also deemed to have appointed the secretary, or the secretary's designee, as an attorney-in-fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full.

(e) *Requirements for medical assistance for which federal moneys or state moneys or both are expended.* (1) When the secretary has adopted a medical care plan under

which federal moneys or state moneys or both are expended, medical assistance in accordance with such plan shall be granted to any person who is a citizen of the United States or who is an alien lawfully admitted to the United States and who is residing in the state of Kansas, whose resources and income do not exceed the levels prescribed by the secretary. In determining the need of an individual, the secretary may provide for income and resource exemptions and protected income and resource levels. Resources from inheritance shall be counted. A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and amendments thereto, shall constitute a transfer of resources. The secretary shall exempt principal and interest held in irrevocable trust pursuant to K.S.A. 16-303(c), and amendments thereto, from the eligibility requirements of applicants for and recipients of medical assistance. Such assistance shall be known as medical assistance.

(2) For the purposes of medical assistance eligibility determinations on or after July 1, 2004, if an applicant or recipient owns property in joint tenancy with some other party and the applicant or recipient of medical assistance has restricted or conditioned their interest in such property to a specific and discrete property interest less than 100%, then such designation will cause the full value of the property to be considered an available resource to the applicant or recipient. Medical assistance eligibility for receipt of benefits under the title XIX of the social security act, commonly known as medicaid, shall not be expanded, as provided for in the patient protection and affordable care act, public law 111-148, 124 stat. 119, and the health care and education reconciliation act of 2010, public law 111-152, 124 stat. 1029, unless the legislature expressly consents to, and approves of, the expansion of medicaid services by an act of the legislature.

(3) (A) Resources from trusts shall be considered when determining eligibility of a trust beneficiary for medical assistance. Medical assistance is to be secondary to all resources, including trusts, that may be available to an applicant or recipient of medical assistance.

(B) If a trust has discretionary language, the trust shall be considered to be an available resource to the extent, using the full extent of discretion, the trustee may make any of the income or principal available to the applicant or recipient of medical assistance. Any such discretionary trust shall be considered an available resource unless: (i) At the time of creation or amendment of the trust, the trust states a clear intent that the trust is supplemental to public assistance; and (ii) the trust: (a) Is funded from resources of a person who, at the time of such funding, owed no duty of support to the applicant or recipient of medical assistance; or (b) is funded not more than nominally from resources of a person while that person owed a duty of support to the applicant or recipient of medical assistance.

(C) For the purposes of this paragraph, "public assistance" includes, but is not limited to, medicaid, medical assistance or title XIX of the social security act.

(4) (A) When an applicant or recipient of medical assistance is a party to a contract, agreement or accord for personal services being provided by a nonlicensed individual or provider and such contract, agreement or accord involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits, or other related issues, any moneys paid under such contract, agreement or accord shall be considered to be an available resource unless the following restrictions are met: (i) The contract, agreement or accord must be in writing and executed prior to any services being provided; (ii) the moneys paid are in direct

relationship with the fair market value of such services being provided by similarly situated and trained nonlicensed individuals; (iii) if no similarly situated nonlicensed individuals or situations can be found, the value of services will be based on federal hourly minimum wage standards; (iv) such individual providing the services will report all receipts of moneys as income to the appropriate state and federal governmental revenue agencies; (v) any amounts due under such contract, agreement or accord shall be paid after the services are rendered; (vi) the applicant or recipient shall have the power to revoke the contract, agreement or accord; and (vii) upon the death of the applicant or recipient, the contract, agreement or accord ceases.

(B) When an applicant or recipient of medical assistance is a party to a written contract for personal services being provided by a licensed health professional or facility and such contract involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits or other related issues, any moneys paid in advance of receipt of services for such contracts shall be considered to be an available resource.

(5) Any trust may be amended if such amendment is permitted by the Kansas uniform trust code.

(f) *Eligibility for medical assistance of resident receiving medical care outside state.* A person who is receiving medical care including long-term care outside of Kansas whose health would be endangered by the postponement of medical care until return to the state or by travel to return to Kansas, may be determined eligible for medical assistance if such individual is a resident of Kansas and all other eligibility factors are met. Persons who are receiving medical care on an ongoing basis in a long-term medical care facility in a state other than Kansas and who do not return to a care facility in Kansas when they are able to do so, shall no longer be eligible to receive assistance in Kansas unless such medical care is not available in a comparable facility or program providing such medical care in Kansas. For persons who are minors or who are under guardianship, the actions of the parent or guardian shall be deemed to be the actions of the child or ward in determining whether or not the person is remaining outside the state voluntarily.

(g) *Medical assistance; assignment of rights to medical support and limited power of attorney; recovery from estates of deceased recipients.* (1) (A) Except as otherwise provided in K.S.A. 39-786 and 39-787, and amendments thereto, or as otherwise authorized on and after September 30, 1989, under section 303 of the federal medicare catastrophic coverage act of 1988, whichever is applicable, by applying for or receiving medical assistance under a medical care plan in which federal funds are expended, any accrued, present or future rights to support and any rights to payment for medical care from a third party of an applicant or recipient and any other family member for whom the applicant is applying shall be deemed to have been assigned to the secretary on behalf of the state. The assignment shall automatically become effective upon the date of approval for such assistance without the requirement that any document be signed by the applicant or recipient. By applying for or receiving medical assistance the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments, representing payments received by the secretary in on behalf of any person applying for, receiving or having received

such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for assistance and shall remain in effect until the assignment has been terminated in full. The assignment of any rights to payment for medical care from a third party under this subsection shall not prohibit a health care provider from directly billing an insurance carrier for services rendered if the provider has not submitted a claim covering such services to the secretary for payment. Support amounts collected on behalf of persons whose rights to support are assigned to the secretary only under this subsection and no other shall be distributed pursuant to K.S.A. 39-756(d), and amendments thereto, except that any amounts designated as medical support shall be retained by the secretary for repayment of the unreimbursed portion of assistance. Amounts collected pursuant to the assignment of rights to payment for medical care from a third party shall also be retained by the secretary for repayment of the unreimbursed portion of assistance.

(B) Notwithstanding the provisions of subparagraph (A), the secretary of health and environment, or the secretary's designee, is hereby authorized to and shall exercise any of the powers specified in subparagraph (A) in relation to performance of such secretary's duties pertaining to medical subrogation, estate recovery or any other duties assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

(2) The amount of any medical assistance paid after June 30, 1992, under the provisions of subsection (e) is: (A) A claim against the property or any interest therein belonging to and a part of the estate of any deceased recipient or, if there is no estate, the estate of the surviving spouse, if any, shall be charged for such medical assistance paid to either or both; and (B) a claim against any funds of such recipient or spouse in any account under K.S.A. 9-1215, 17-2263 or 17-2264, and amendments thereto. There shall be no recovery of medical assistance correctly paid to or on behalf of an individual under subsection (e) except after the death of the surviving spouse of the individual, if any, and only at a time when the individual has no surviving child who is under 21 years of age or is blind or permanently and totally disabled. Transfers of real or personal property by recipients of medical assistance without adequate consideration are voidable and may be set aside. Except where there is a surviving spouse, or a surviving child who is under 21 years of age or is blind or permanently and totally disabled, the amount of any medical assistance paid under subsection (e) is a claim against the estate in any guardianship or conservatorship proceeding. The monetary value of any benefits received by the recipient of such medical assistance under long-term care insurance, as defined by K.S.A. 40-2227, and amendments thereto, shall be a credit against the amount of the claim provided for such medical assistance under this subsection. The secretary of health and environment is authorized to enforce each claim provided for under this subsection. The secretary of health and environment shall not be required to pursue every claim, but is granted discretion to determine which claims to pursue. All moneys received by the secretary of health and environment from claims under this subsection shall be deposited in the social welfare fund. The secretary of health and environment may adopt rules and regulations for the implementation and administration of the medical assistance recovery program under this subsection.

(3) By applying for or receiving medical assistance under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, such individual or such individual's agent, fiduciary, guardian, conservator, representative

payee or other person acting on behalf of the individual consents to the following definitions of estate and the results therefrom:

(A) If an individual receives any medical assistance before July 1, 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, which forms the basis for a claim under paragraph (2), such claim is limited to the individual's probatable estate as defined by applicable law; and

(B) if an individual receives any medical assistance on or after July 1, 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, which forms the basis for a claim under paragraph (2), such claim shall apply to the individual's medical assistance estate. The medical assistance estate is defined as including all real and personal property and other assets in which the deceased individual had any legal title or interest immediately before or at the time of death to the extent of that interest or title. The medical assistance estate includes, without limitation assets conveyed to a survivor, heir or assign of the deceased recipient through joint tenancy, tenancy in common, survivorship, transfer-on-death deed, payable-on-death contract, life estate, trust, annuities or similar arrangement.

(4) The secretary of health and environment or the secretary's designee is authorized to file and enforce a lien against the real property of a recipient of medical assistance in certain situations, subject to all prior liens of record and transfers for value to a bona fide purchaser of record. The lien must be filed in the office of the register of deeds of the county where the real property is located within one year from the date of death of the recipient and must contain the legal description of all real property in the county subject to the lien.

(A) After the death of a recipient of medical assistance, the secretary of health and environment or the secretary's designee may place a lien on any interest in real property owned by such recipient.

(B) The secretary of health and environment or the secretary's designee may place a lien on any interest in real property owned by a recipient of medical assistance during the lifetime of such recipient. Such lien may be filed only after notice and an opportunity for a hearing has been given. Such lien may be enforced only upon competent medical testimony that the recipient cannot reasonably be expected to be discharged and returned home. A six-month period of compensated inpatient care at a nursing home or other medical institution shall constitute a determination by the department of health and environment that the recipient cannot reasonably be expected to be discharged and returned home. To return home means the recipient leaves the nursing or medical facility and resides in the home on which the lien has been placed for a continuous period of at least 90 days without being readmitted as an inpatient to a nursing or medical facility. The amount of the lien shall be for the amount of assistance paid by the department of health and environment until the time of the filing of the lien and for any amount paid thereafter for such medical assistance to the recipient. After the lien is filed against any real property owned by the recipient, such lien will be dissolved if the recipient is discharged, returns home and resides upon the real property to which the lien is attached for a continuous period of at least 90 days without being readmitted as an inpatient to a nursing or medical facility. If the recipient is readmitted as an inpatient to a nursing or medical facility for a continuous period of less than 90 days, another continuous period of at least 90 days shall be completed prior to dissolution of the lien.

(5) The lien filed by the secretary of health and environment or the secretary's designee for medical assistance correctly received may be enforced before or after the death of the recipient by the filing of an action to foreclose such lien in the Kansas district court or through an estate probate court action in the county where the real property of the recipient is located. However, it may be enforced only:

- (A) After the death of the surviving spouse of the recipient;
- (B) when there is no child of the recipient, natural or adopted, who is 20 years of age or less residing in the home;
- (C) when there is no adult child of the recipient, natural or adopted, who is blind or disabled residing in the home; or
- (D) when no brother or sister of the recipient is lawfully residing in the home, who has resided there for at least one year immediately before the date of the recipient's admission to the nursing or medical facility, and has resided there on a continuous basis since that time.

(6) The lien remains on the property even after a transfer of the title by conveyance, sale, succession, inheritance or will unless one of the following events occur:

- (A) The lien is satisfied. The recipient, the heirs, personal representative or assigns of the recipient may discharge such lien at any time by paying the amount of the lien to the secretary of health and environment or the secretary's designee;
- (B) the lien is terminated by foreclosure of prior lien of record or settlement action taken in lieu of foreclosure; or
- (C) the value of the real property is consumed by the lien, at which time the secretary of health and environment or the secretary's designee may force the sale for the real property to satisfy the lien.

(7) If the secretary for aging and disability services or the secretary of health and environment, or both, or such secretary's designee has not filed an action to foreclose the lien in the Kansas district court in the county where the real property is located within 10 years from the date of the filing of the lien, then the lien shall become dormant, and shall cease to operate as a lien on the real estate of the recipient. Such dormant lien may be revived in the same manner as a dormant judgment lien is revived under K.S.A. 60-2403 et seq., and amendments thereto.

(8) Within seven days of receipt of notice by the secretary for children and families or the secretary's designee of the death of a recipient of medical assistance under this subsection, the secretary for children and families or the secretary's designee shall give notice of such recipient's death to the secretary of health and environment or the secretary's designee.

(9) All rules and regulations adopted on and after July 1, 2013, and prior to July 1, 2014, to implement this subsection shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of health and environment until revised, amended, revoked or nullified pursuant to law.

(h) *Placement under the revised Kansas code for care of children or revised Kansas juvenile justice code; assignment of support rights and limited power of attorney.* In any case in which the secretary for children and families pays for the expenses of care and custody of a child pursuant to K.S.A. 2020 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments thereto, including the expenses of any foster care placement, an assignment of all past, present and future support rights of the child in custody possessed by either parent or other person entitled to receive support payments

for the child is, by operation of law, conveyed to the secretary. Such assignment shall become effective upon placement of a child in the custody of the secretary or upon payment of the expenses of care and custody of a child by the secretary without the requirement that any document be signed by the parent or other person entitled to receive support payments for the child. When the secretary pays for the expenses of care and custody of a child or a child is placed in the custody of the secretary, the parent or other person entitled to receive support payments for the child is also deemed to have appointed the secretary, or the secretary's designee, as attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary on behalf of the child. This limited power of attorney shall be effective from the date the assignment to support rights becomes effective and shall remain in effect until the assignment of support rights has been terminated in full.

(i) No person who voluntarily quits employment or who is fired from employment due to gross misconduct as defined by rules and regulations of the secretary or who is a fugitive from justice by reason of a felony conviction or charge or violation of a condition of probation or parole imposed under federal or state law shall be eligible to receive public assistance benefits in this state. Any recipient of public assistance who fails to timely comply with monthly reporting requirements under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary by rules and regulations.

(j) If the applicant or recipient of temporary assistance for needy families is a mother of the dependent child, as a condition of the mother's eligibility for temporary assistance for needy families the mother shall identify by name and, if known, by current address the father of the dependent child except that the secretary may adopt by rules and regulations exceptions to this requirement in cases of undue hardship. Any recipient of temporary assistance for needy families who fails to cooperate with requirements relating to child support services under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary.

(k) By applying for or receiving child care benefits or food assistance, the applicant or recipient shall be deemed to have assigned, pursuant to K.S.A. 39-756, and amendments thereto, to the secretary on behalf of the state only accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant or recipient. By applying for or receiving child care benefits or food assistance, the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full. An applicant or recipient who has assigned support rights to the secretary pursuant to this subsection shall cooperate in establishing and enforcing

support obligations to the same extent required of applicants for or recipients of temporary assistance for needy families.

(1) (1) A program of drug screening for applicants for cash assistance as a condition of eligibility for cash assistance and persons receiving cash assistance as a condition of continued receipt of cash assistance shall be established, subject to applicable federal law, by the secretary for children and families on and before January 1, 2014. Under such program of drug screening, the secretary for children and families shall order a drug screening of an applicant for or a recipient of cash assistance at any time when reasonable suspicion exists that such applicant for or recipient of cash assistance is unlawfully using a controlled substance or controlled substance analog. The secretary for children and families may use any information obtained by the secretary for children and families to determine whether such reasonable suspicion exists, including, but not limited to, an applicant's or recipient's demeanor, missed appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the applicant or recipient indicating unlawful use of a controlled substance or controlled substance analog.

(2) Any applicant for or recipient of cash assistance whose drug screening results in a positive test may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any applicant for or recipient of cash assistance who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such applicant or recipient who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.

(3) Any applicant for or recipient of cash assistance who tests positive for unlawful use of a controlled substance or controlled substance analog shall be required to complete a substance abuse treatment program approved by the secretary for children and families, secretary of labor or secretary of commerce, and a job skills program approved by the secretary for children and families, secretary of labor or secretary of commerce. Subject to applicable federal laws, any applicant for or recipient of cash assistance who fails to complete or refuses to participate in the substance abuse treatment program or job skills program as required under this subsection shall be ineligible to receive cash assistance until completion of such substance abuse treatment and job skills programs. Upon completion of both substance abuse treatment and job skills programs, such applicant for or recipient of cash assistance may be subject to periodic drug screening, as determined by the secretary for children and families. Upon a second positive test for unlawful use of a controlled substance or controlled substance analog, a recipient of cash assistance shall be ordered to complete again a substance abuse treatment program and job skills program, and shall be terminated from cash assistance for a period of 12 months, or until such recipient of cash assistance completes both substance abuse treatment and job skills programs, whichever is later. Upon a third positive test for unlawful use of a controlled substance or controlled substance analog, a recipient of cash assistance shall be terminated from cash assistance, subject to applicable federal law.

(4) If an applicant for or recipient of cash assistance is ineligible for or terminated

from cash assistance as a result of a positive test for unlawful use of a controlled substance or controlled substance analog, and such applicant for or recipient of cash assistance is the parent or legal guardian of a minor child, an appropriate protective payee shall be designated to receive cash assistance on behalf of such child. Such parent or legal guardian of the minor child may choose to designate an individual to receive cash assistance for such parent's or legal guardian's minor child, as approved by the secretary for children and families. Prior to the designated individual receiving any cash assistance, the secretary for children and families shall review whether reasonable suspicion exists that such designated individual is unlawfully using a controlled substance or controlled substance analog.

(A) In addition, any individual designated to receive cash assistance on behalf of an eligible minor child shall be subject to drug screening at any time when reasonable suspicion exists that such designated individual is unlawfully using a controlled substance or controlled substance analog. The secretary for children and families may use any information obtained by the secretary for children and families to determine whether such reasonable suspicion exists, including, but not limited to, the designated individual's demeanor, missed appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the designated individual indicating unlawful use of a controlled substance or controlled substance analog.

(B) Any designated individual whose drug screening results in a positive test may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any designated individual who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such designated individual who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.

(C) Upon any positive test for unlawful use of a controlled substance or controlled substance analog, the designated individual shall not receive cash assistance on behalf of the parent's or legal guardian's minor child, and another designated individual shall be selected by the secretary for children and families to receive cash assistance on behalf of such parent's or legal guardian's minor child.

(5) If a person has been convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such person shall thereby become forever ineligible to receive any cash assistance under this subsection unless such conviction is the person's first conviction. First-time offenders convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such person shall become ineligible to receive cash assistance for five years from the date of conviction.

(6) Except for hearings before the Kansas department for children and families or,

the results of any drug screening administered as part of the drug screening program authorized by this subsection shall be confidential and shall not be disclosed publicly.

(7) The secretary for children and families may adopt such rules and regulations as are necessary to carry out the provisions of this subsection.

(8) Any authority granted to the secretary for children and families under this subsection shall be in addition to any other penalties prescribed by law.

(9) As used in this subsection:

(A) "Cash assistance" means cash assistance provided to individuals under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant to such statutes.

(B) "Controlled substance" means the same as in K.S.A. 2020 Supp. 21-5701, and amendments thereto, and 21 U.S.C. § 802.

(C) "Controlled substance analog" means the same as in K.S.A. 2020 Supp. 21-5701, and amendments thereto.

Sec. 5. K.S.A. 65-516 is hereby amended to read as follows: 65-516. (a) No person shall knowingly maintain a child care facility if there resides, works or regularly volunteers any person who in this state or in other states or the federal government:

(1) (A) Has been convicted of a crime that is classified as a person felony under the Kansas criminal code;

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

(C) has been convicted of any act that is described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2020 Supp. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments thereto, or been convicted of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2020 Supp. 21-5301, and amendments thereto, to commit any such act or been convicted of conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 2020 Supp. 21-5302, and amendments thereto, to commit such act, or similar statutes of any other state or the federal government;

(D) has been convicted of any act that is described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2020 Supp. 21-6401, and amendments thereto, or similar statutes of any other state or the federal government; or

(E) has been convicted of any act that is described in K.S.A. 21-3718 or 21-3719, prior to their repeal, or K.S.A. 2020 Supp. 21-5812, and amendments thereto, or similar statutes of any other state or the federal government;

(2) except as provided in subsection (b), has been adjudicated a juvenile offender because of having committed an act that if done by an adult would constitute the commission of a felony and that is a crime against persons, is any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2020 Supp. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments thereto, or similar statutes of any other state or the federal government, or is any act described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2020 Supp. 21-6401, and amendments thereto, or similar statutes of any other state or

the federal government;

(3) has been convicted or adjudicated of a crime that requires registration as a sex offender under the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, as a sex offender in any other state or as a sex offender on the national sex offender registry;

(4) has committed an act of physical, mental or emotional abuse or neglect or sexual abuse and who is listed in the child abuse and neglect registry maintained by the Kansas department for children and families pursuant to K.S.A. 2020 Supp. 38-2226, and amendments thereto, or any similar child abuse and neglect registries maintained by any other state or the federal government and:

(A) The person has failed to successfully complete a corrective action plan that had been deemed appropriate and approved by the Kansas department for children and families or requirements of similar entities in any other state or the federal government; or

(B) the record has not been expunged pursuant to rules and regulations adopted by the secretary for children and families or similar entities in any other state or the federal government;

(5) has had a child removed from home based on a court order pursuant to K.S.A. 2020 Supp. 38-2251, and amendments thereto, in this state, or a court order in any other state based upon a similar statute that finds the child to be deprived or a child in need of care based on a finding of physical, mental or emotional abuse or neglect or sexual abuse and the child has not been returned to the home or the child reaches majority before being returned to the home and the person has failed to satisfactorily complete a corrective action plan approved by the department of health and environment;

(6) has had parental rights terminated pursuant to the Kansas juvenile code or K.S.A. 2020 Supp. 38-2266 through 38-2270, and amendments thereto, or a similar statute of other states;

(7) has signed a diversion agreement pursuant to K.S.A. 22-2906 et seq., and amendments thereto, or an immediate intervention agreement pursuant to K.S.A. 2020 Supp. 38-2346, and amendments thereto, involving a charge of child abuse or a sexual offense; or

(8) has an infectious or contagious disease.

(b) If the secretary determines there is no safety concern, the secretary may license a family foster home, as defined in K.S.A. 38-134, and amendments thereto, when a person who has been adjudicated as a juvenile offender for an offense described in subsection (a)(2):

(1) Was a child in the custody of the secretary and placed with such family foster home by the secretary:

(2) is 18 years of age or older:

(3)(A) maintains residence at such family foster home; or

(B) has been legally adopted by any person who resides at such family foster home; and

(4) six months have passed since the date of adjudication.

~~(b)(c)~~ No person shall maintain a child care facility if such person has been found to be a person in need of a guardian or a conservator, or both, as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto.

~~(c)(d)~~ Any person who resides in a child care facility and who has been found to be

in need of a guardian or a conservator, or both, shall be counted in the total number of children allowed in care.

~~(d)~~(c) In accordance with the provisions of this subsection, the secretary of health and environment shall have access to any court orders or adjudications of any court of record, any records of such orders or adjudications, criminal history record information including, but not limited to, diversion agreements, in the possession of the Kansas bureau of investigation and any report of investigations as authorized by K.S.A. 2020 Supp. 38-2226, and amendments thereto, in the possession of the Kansas department for children and families or court of this state concerning persons working, regularly volunteering or residing in a child care facility. The secretary shall have access to these records for the purpose of determining whether or not the home meets the requirements of K.S.A. 59-2132, 65-503, 65-508 and 65-516, and amendments thereto.

~~(e)~~(f) In accordance with the provisions of this subsection, the secretary is authorized to conduct national criminal history record checks to determine criminal history on persons residing, working or regularly volunteering in a child care facility. In order to conduct a national criminal history check the secretary shall require fingerprinting for identification and determination of criminal history. The secretary shall submit the fingerprints to the Kansas bureau of investigation and to the federal bureau of investigation and receive a reply to enable the secretary to verify the identity of such person and whether such person has been convicted of any crime that would prohibit such person from residing, working or regularly volunteering in a child care facility. The secretary is authorized to use information obtained from the national criminal history record check to determine such person's fitness to reside, work or regularly volunteer in a child care facility.

~~(f)~~(g) Local and state law enforcement officers and agencies shall assist the secretary in taking and processing fingerprints of persons residing, working or regularly volunteering in a child care facility and shall release all records of adult convictions and nonconvictions and adult convictions or adjudications of another state or country to the department.

~~(g)~~(h) (1) The secretary shall adopt rules and regulations on or before January 1, 2019, to fix a fee for fingerprinting persons residing, working or regularly volunteering in a child care facility, as may be required by the department to reimburse the department for the cost of the fingerprinting.

(2) The secretary shall remit all moneys received from the fees established under this section 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 child care criminal background and fingerprinting fund.

~~(h)~~(i) The child care criminal background and fingerprinting fund is hereby created in the state treasury to be administered by the secretary of health and environment. All moneys credited to the child care criminal background and fingerprinting fund shall be used to pay local and state law enforcement officers and agencies for the processing of fingerprints and criminal history background checks for the department. All expenditures from the child care criminal background and fingerprinting fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary.

~~(j)~~(j) The secretary shall notify the child care applicant or licensee, within seven days by certified mail with return receipt requested, when the result of the national criminal history record check or other appropriate review reveals unfitness specified in subsections (a)(1) through (8) with regard to the person who is the subject of the review.

~~(k)~~(k) No child care facility or the employees thereof, shall be liable for civil damages to any person refused employment or discharged from employment by reason of such facility's or home's compliance with the provisions of this section if such home acts in good faith to comply with this section.

~~(l)~~(l) For the purpose of subsection (a)(3), a person listed in the child abuse and neglect central registry shall not be prohibited from residing, working or volunteering in a child care facility unless such person has:

(1) Had an opportunity to be interviewed and present information during the investigation of the alleged act of abuse or neglect; and

(2) been given notice of the agency decision and an opportunity to appeal such decision to the secretary and to the courts pursuant to the Kansas judicial review act.

~~(m)~~(m) In regard to Kansas issued criminal history records:

(1) The secretary of health and environment shall provide in writing information available to the secretary to each child placement agency requesting information under this section, including the information provided by the Kansas bureau of investigation pursuant to this section, for the purpose of assessing the fitness of persons living, working or regularly volunteering in a family foster home under the child placement agency's sponsorship.

(2) The child placement agency is considered to be a governmental entity and the designee of the secretary of health and environment for the purposes of obtaining, using and disseminating information obtained under this section.

(3) The information shall be provided to the child placement agency regardless of whether the information discloses that the subject of the request has been convicted of any offense.

(4) Whenever the information available to the secretary reveals that the subject of the request has no criminal history on record, the secretary shall provide notice thereof in writing to each child placement agency requesting information under this section.

(5) Any staff person of a child placement agency who receives information under this subsection shall keep such information confidential, except that the staff person may disclose such information on a need-to-know basis to:

(A) The person who is the subject of the request for information;

(B) the applicant or operator of the family foster home in which the person lives, works or regularly volunteers;

(C) the department of health and environment;

(D) the Kansas department for children and families;

(E) the department of corrections; and

(F) the courts.

(6) A violation of the provisions of ~~subsection (4)(5)~~ paragraph (5) shall be an unclassified misdemeanor punishable by a fine of \$100 for each violation.

~~(n)~~(n) No person shall maintain a day care facility unless such person is a high school graduate or the equivalent thereof, except where extraordinary circumstances exist, the secretary of health and environment may exercise discretion to make exceptions to this requirement. The provisions of this subsection shall not apply to any

person who was maintaining a day care facility on the day immediately prior to July 1, 2010, or who had an application for an initial license or the renewal of an existing license pending on July 1, 2010.";

On page 9, in line 16, after the first "K.S.A." by inserting "65-516,"; in line 17, after "243" by inserting ", 38-2226 and 39-709"; in line 19, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "open government" and inserting "health and welfare; providing for the safety and wellbeing of children and vulnerable persons; establishing the joint committee on child welfare system oversight"; in line 3, after the semicolon, by inserting "requiring visual observation of a child in investigations of child abuse or neglect; adding an exemption from the child care assistance 20-hour-per-week work requirement; permitting the secretary to provide exemptions from family foster home license requirements"; in line 7, after "K.S.A." by inserting "65-516,"; in line 8, after "22a-243" by inserting ", 38-2226 and 39-709";

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

RICHARD HILDERBRAND

BEVERLY GOSSAGE

PAT PETTEY

*Conferees on part of Senate*

SUSAN CONCANNON

CHARLOTTE ESAU

JARROD OUSLEY

*Conferees on part of House*

Senator Hilderbrand moved the Senate adopt the Conference Committee Report on **HB 2158**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Masterson.

The Conference Committee Report was adopted.

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

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#### AFTERNOON SESSION

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 47** 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, in line 8, before "Section" by inserting "New"; in line 10, after "act" by inserting "and shall be effective on and after January 1, 2022"; in line 11, before "Sec." by inserting "New"; in line 27, before "Sec." by inserting "New";

On page 2, in line 15, before "Sec." by inserting "New";

On page 3, in line 37, before "Sec." by inserting "New";

On page 4, in line 15, before "Sec." by inserting "New"; following line 16, by inserting:

"New Sec. 7. (a) For taxable years commencing after December 31, 2020, and before January 1, 2026, there shall be allowed a credit against the tax imposed by the Kansas income tax act and the privilege tax pursuant to K.S.A. 79-1106 et seq., and amendments thereto, in an amount equal to 50% of the total amount contributed during the taxable year by a taxpayer subject to income tax pursuant to K.S.A. 79-32,110(a) or (c), and amendments thereto, or subject to the privilege tax pursuant to K.S.A. 79-1107 and 79-1108, and amendments thereto, to the Eisenhower foundation.

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

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

(2) \$50,000 for any taxpayer subject to the income tax on corporations imposed pursuant to K.S.A. 79-32,110(c), and amendments thereto, or the privilege tax on financial institutions pursuant to K.S.A. 79-1107 and 79-1108, and amendments thereto.

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

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

New Sec. 8. (a) For taxable years commencing after December 31, 2020, and before January 1, 2026, there shall be allowed a credit against the tax imposed by the Kansas income tax act and the privilege tax pursuant to K.S.A. 79-1106 et seq., and amendments thereto, in an amount equal to 50% of the total amount contributed during the taxable year by a taxpayer subject to income tax pursuant to K.S.A. 79-32,110(a) or (c), and amendments thereto, or subject to the privilege tax pursuant to K.S.A. 79-1107 and 79-1108, and amendments thereto, to the friends of cedar crest association.

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

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

(2) \$50,000 for any taxpayer subject to the income tax on corporations imposed pursuant to K.S.A. 79-32,110(c), and amendments thereto, or the privilege tax on financial institutions pursuant to K.S.A. 79-1107 and 79-1108, and amendments thereto.

(c) The aggregate amount of credits claimed pursuant to this section shall not

exceed \$350,000 for any fiscal year.

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

New Sec. 9. For the period of January 1, 2021, through December 31, 2022, for wages paid to employees who are temporarily teleworking in a state other than their primary work location, employers shall have the option to continue to withhold income taxes based on the state of the employee's primary work location and not based on the state in which the employee is teleworking or otherwise working during the COVID-19 pandemic. If any provisions of K.S.A. 79-3296, and amendments thereto, are in conflict with the provisions of this section, the provisions of this section shall control.

New Sec. 10. (a) Notwithstanding any other provision of law, for any individual whose identity was fraudulently used to secure any type of compensation, if such individual never received such compensation, such compensation shall not be considered gross income and shall not be taxable for Kansas income tax purposes after determination by the department of revenue that the compensation was obtained fraudulently by another individual.

(b) The department of revenue shall provide a method for any taxpayer subject to the Kansas income tax act to report to the department of revenue whether such taxpayer was a victim of fraud due to identity theft and whether such fraud resulted in the reporting of any income to the federal internal revenue service. The report shall include, but not be limited to, the amount of the income reported to the federal internal revenue service due to fraud, if known.

Sec. 11. K.S.A. 74-50,222 is hereby amended to read as follows: 74-50,222. As used in K.S.A. 74-50,222, 74-50,223 and 79-32,267, and amendments thereto:

(a) "Institution of higher education" means a public or private nonprofit educational institution that meets the requirements of participation in programs under the higher education act of 1965, as amended, 34 C.F.R. § 600;

(b) "rural opportunity zone" means ~~Allen, Anderson, Barber, Bourbon, Brown, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Comanche, Decatur, Doniphan, Edwards, Elk, Ellsworth, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Haskell, Hodgeman, Jackson, Jewell, Kearny, Kingman, Kiowa, Labette, Lane, Lincoln, Linn, Logan, Marion, Marshall, Meade, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Republic, Rice, Rooks, Rush, Russell, Scott, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Trego, Thomas, Wabaunsee, Wallace, Washington, Wichita, Wilson or Woodson counties~~ a county with a population of 40,000 persons or less;

(c) "secretary" means the secretary of commerce; and

(d) "student loan" means a federal student loan program supported by the federal government and a nonfederal loan issued by a lender such as a bank, savings and loan or credit union to help students and parents pay school expenses for attendance at an institution of higher education.

Sec. 12. K.S.A. 74-50,223 is hereby amended to read as follows: 74-50,223. (a)

Any county that has been designated a rural opportunity zone pursuant to K.S.A. 74-50,222, and amendments thereto, may participate in the program provided in this section by authorizing such participation by the county commission of such county through a duly enacted written resolution. Such county shall provide a certified copy of such resolution to the secretary of commerce on or before January 1, 2012, for calendar year 2012, or on or before January 1 for each calendar year thereafter, in which a county chooses to participate. Such resolution shall obligate the county to participate in the program provided by this section for a period of five years, and shall be irrevocable. Such resolution shall specify the maximum amount of outstanding student loan balance for each resident individual to be repaid as provided in subsection (b), except the maximum amount of such balance shall be \$15,000.

(b) If a county submits a resolution as provided in subsection (a), under the program provided in this section, subject to subsection (d), the state of Kansas and such county which chooses to participate as provided in subsection (a), shall agree to pay in equal shares the outstanding student loan balance of any resident individual who qualifies to have such individual's student loans repaid under the provisions of subsection (c) over a five-year period, except that the maximum amount of such balance shall be \$15,000. The amount of such repayment shall be equal to 20% of the outstanding student loan balance of the individual in a year over the five-year repayment period. The state of Kansas is not obligated to pay the student loan balance of any resident individual who qualifies pursuant to subsection (c) prior to the county submitting a resolution to the secretary pursuant to subsection (a). Each such county shall certify to the secretary that such county has made the payment required by this subsection.

(c) A resident individual shall be entitled to have such individual's outstanding student loan balance paid for attendance at an institution of higher education where such resident individual earned an associate, bachelor or post-graduate degree under the provisions of this section when such resident individual establishes domicile in a county designated as a rural opportunity zone which participates in the program as provided in subsection (a), on and after the date in which such county commenced such participation, and prior to July 1, ~~2021~~ 2023. Such resident individual may enroll in this program in a form and manner prescribed by the secretary. Subject to subsection (d), once enrolled such resident individual shall be entitled to full participation in the program for five years, except that if the resident individual relocates outside the rural opportunity zone for which the resident individual first qualified, such resident individual forfeits such individual's eligibility to participate, and obligations under this section of the state and the county terminate. No resident individual shall enroll and be eligible to participate in this program after June 30, ~~2021~~ 2023.

(d) The provisions of this act shall be subject to appropriation acts. Nothing in this act guarantees a resident individual a right to the benefits provided in this section. The county may continue to participate even if the state does not participate.

(e) The secretary shall adopt rules and regulations necessary to administer the provisions of this section.

(f) On January 1, 2012, and annually thereafter until January 1, ~~2022~~ 2024, the secretary of commerce shall report to the senate committee on assessment and taxation and the house of representatives committee on taxation as to how many residents applied for the rural opportunity zone tax credit.

Sec. 13. K.S.A. 79-3221 is hereby amended to read as follows: 79-3221. (a) All returns required by this act shall be made as nearly as practical in the same form as the corresponding form of income tax return by the United States. Unless another identifying number has been assigned to an individual by the internal revenue service for purposes of filing such individual's federal income tax return, the social security number issued to an individual, the individual's spouse, and all dependents of such individual for purposes of section 205(c)(2)(A) of the social security act shall be used as the identifying number and included on the return when filing such return.

(b) All returns shall be filed in the office of the director of taxation on or before the 15<sup>th</sup> day of the fourth month following the close of the taxable year, except as provided in subsection (c) ~~hereof~~. Tentative returns may be filed before the close of the taxable year and the estimated tax computed on such return, paid, but no interest will be paid on any overpayment of tax liability, computed on such tentative return.

(c) ~~(1)~~ The director of taxation may grant a reasonable extension of time for filing returns in accordance with rules and regulations of the secretary of revenue. Whenever any such extension of time to file is requested by a taxpayer and granted by the director with respect to any tax year commencing after December 31, 1992, no penalty authorized by K.S.A. 79-3228, and amendments thereto, shall be imposed if 90% of the liability is paid on or before the original due date.

(2) For any tax year commencing after December 31, 2019, any taxpayer filing a corporate tax return shall file the return in the office of the director of taxation:

(A) No later than one month after the due date established under the federal internal revenue code, including any applicable extensions granted by the internal revenue service; and

(B) no penalty authorized by K.S.A. 79-3228, and amendments thereto, shall be imposed if the return is filed within one month after receiving an extension to file a tax return with the internal revenue service. The taxpayer shall not be required to file an extension request with the director pursuant to this subparagraph.

(3) For any tax year commencing after December 31, 2019, any taxpayer filing a return, other than a corporate tax return, shall file the return in the office of the director of taxation not later than the due date established under the federal internal revenue code, including any applicable extensions granted by the internal revenue service. No penalty authorized by K.S.A. 79-3228, and amendments thereto, shall be imposed if the return is filed not later than the deadline established by the internal revenue service. The taxpayer shall not be required to file an extension request with the director pursuant to this paragraph.

(d) In the case of an individual serving in the armed forces of the United States, or serving in support of such armed forces, in an area designated by the president of the United States by executive order as a "combat zone" as defined under 26 U.S.C. § 112 at any time during the period designated by the president by executive order as the period of combatant activities in such zone for the purposes of such section, or hospitalized as a result of injury received or sickness incurred while serving in such an area during such time, the period of service in such area, plus the period of continuous qualified hospitalization attributable to such injury or sickness, and the next 180 days thereafter, shall be disregarded in determining, under article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, in respect to any tax liability, including any interest, penalty, additional amount, or addition to the tax, of such

individual:

(1) Whether any of the following acts was performed within the time prescribed therefor: (A) Filing any return of income tax; (B) payment of any income tax or installment thereof; (C) filing a notice of appeal with the director of taxation or the state board of tax appeals for redetermination of a deficiency or for a review of a decision rendered by either the director or the state board of tax appeals; (D) allowance of a credit or refund of any income tax; (E) filing a claim for credit or refund of any income tax; (F) bringing suit upon any such claim for credit or refund; (G) assessment of any income tax; (H) giving or making any notice or demand for the payment of any income tax, or with respect to any liability to the state of Kansas in respect of any income tax; (I) collection, by the director of taxation or the director's agent, by warrant, levy or otherwise, of the amount of any liability in respect to any income tax; (J) bringing suit by the state of Kansas, or any officer on its behalf, in respect to any liability in respect of any income tax; and (K) any other act required or permitted under the Kansas income tax act specified in rules and regulations adopted by the secretary of revenue under this section;

(2) the amount of any credit or refund.

(e) (1) Subsection (d) shall not apply for purposes of determining the amount of interest on any overpayment of tax.

(2) If an individual is entitled to the benefits of subsection (d) with respect to any return and such return is timely filed, determined after the application of subsection (d), ~~subsections (e)(5) and (e)(7) of K.S.A. 79-32,105(e)(5) and (e)(7), and amendments thereto, shall not apply.~~

(f) The provisions of subsections (d) through (j) shall apply to the spouse of any individual entitled to the benefits of subsection (d). Except in the case of the combat zone designated for purposes of the Vietnam conflict, this subsection shall not cause subsections (d) through (j) to apply for any spouse for any taxable year beginning more than two years after the date designated under 26 U.S.C. § 112, and amendments thereto, as the date of termination of combatant activities in a combat zone.

(g) The period of service in the area referred to in subsection (d) shall include the period during which an individual entitled to benefits under subsection (d) is in a missing status, within the meaning of 26 U.S.C. § 6013(f)(3).

(h) (1) Notwithstanding the provisions of subsection (d), any action or proceeding authorized by K.S.A. 79-3229, and amendments thereto, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun or prosecuted. In any other case in which the secretary determines that collection of the amount of any assessment would be jeopardized by delay, the provisions of subsection (d) shall not operate to stay collection of such amount by levy or otherwise as authorized by law. There shall be excluded from any amount assessed or collected pursuant to this subsection the amount of interest, penalty, additional amount, and addition to the tax, if any, in respect of the period disregarded under subsection (d). In any case to which this ~~subsections~~ subsection relates, if the secretary is required to give any notice to or make any demand upon any person, such requirement shall be deemed to be satisfied if the notice or demand is prepared and signed, in any case in which the address of such person last known to the secretary is in an area for which United States post offices under instructions of the postmaster general are not, by reason of the combatant activities, accepting mail for delivery at the time the notice or demand is

signed. In such case the notice or demand shall be deemed to have been given or made upon the date it is signed.

(2) The assessment or collection of any tax under the provisions of article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or any action or proceeding by or on behalf of the state in connection therewith, may be made, taken, begun or prosecuted in accordance with law, without regard to the provisions of subsection (d), unless prior to such assessment, collection, action or proceeding it is ascertained that the person concerned is entitled to the benefits of subsection (d).

(i) (1) Any individual who performed Desert Shield services, and the spouse of such individual, shall be entitled to the benefits of subsections (d) through (j) in the same manner as if such services were services referred to in subsection (d).

(2) For purposes of this subsection, the term "Desert Shield services" means any services in the armed forces of the United States or in support of such armed forces if:

(A) Such services are performed in the area designated by the president as the "Persian Gulf Desert Shield area"; and

(B) such services are performed during the period beginning on August 2, 1990, and ending on the date on which any portion of the area referred to in subsection (i)(2) (A) is designated by the president as a combat zone pursuant to 26 U.S.C. § 112.

(j) For purposes of subsection (d), the term "qualified hospitalization" means:

(1) Any hospitalization outside the United States; and

(2) any hospitalization inside the United States, except that not more than five years of hospitalization may be taken into account under this subsection. This subsection shall not apply for purposes of applying subsections (d) through (j) with respect to the spouse of an individual entitled to the benefits of subsection (d).

Sec. 14. K.S.A. 79-32,212 is hereby amended to read as follows: 79-32,212. (a) For taxable years 2002 through ~~2021~~ 2024, there shall be allowed as a credit against the tax liability of a taxpayer imposed under the Kansas income tax act, an amount equal to 100% of the amount attributable to the retirement of indebtedness authorized by a single city port authority established before January 1, 2002. In no event shall the total amount of the credits allowed under this section exceed \$500,000 for any one fiscal year.

(b) Upon certification by the secretary of revenue of the amount of any such credit, the director of accounts and reports shall issue to such taxpayer a warrant for such amount which shall be deemed to be a capital contribution.

(c) For ~~tax-year years~~ 2013 ~~and all tax years thereafter~~ through 2021, the income tax credit provided by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to ~~subsection (c)~~ of K.S.A. 79-32,110(c), and amendments thereto, and shall be applied only against such taxpayer's corporate income tax liability.

(d) For tax years 2022 through 2024, the income tax credit provided by this section shall be available to all taxpayers subject to the income tax imposed pursuant to K.S.A. 79-32,110, and amendments thereto, and shall be applied only against such taxpayer's income tax liability.

Sec. 15. K.S.A. 79-32,267 is hereby amended to read as follows: 79-32,267. (a) For taxable years commencing after December 31, 2011, and before January 1, ~~2022~~ 2024, there shall be allowed as a credit against the tax liability of a resident individual taxpayer an amount equal to the resident individual's income tax liability under the provisions of the Kansas income tax act, when the resident individual:

(1) Establishes domicile in a rural opportunity zone on or after July 1, 2011, and prior to January 1, ~~2021~~ 2023, and was domiciled outside this state for five or more years immediately prior to establishing their domicile in a rural opportunity zone in this state;

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

(3) was domiciled in a rural opportunity zone during the entire taxable year for which such credit is claimed.

(b) A resident individual may claim the credit authorized by this section for not more than five consecutive years following establishment of their domicile in a rural opportunity zone.

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

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

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

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

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

Sec. 16. K.S.A. 74-50,222, 74-50,223, 79-3221, 79-32,212 and 79-32,267 are hereby repealed.";

Also on page 4, in line 18, by striking "January 1, 2022, and"; also in line 18, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "income"; also in line 1, after the semicolon by inserting "relating to income tax;"; in line 2, by striking "relating to paid tax return preparers;"; in line 3, after "number" by inserting "of paid tax return preparers"; also in line 3, by striking the semicolon and inserting "and"; in line 5, after "conduct" by inserting "; exempting compensation income attributable as a result of identity fraud; extending the dates when corporate returns are required to be filed; providing conformity with the federal return due date for returns other than corporate returns; providing a temporary withholding option for certain teleworking employees; relating to income and privilege tax credits; establishing an Eisenhower foundation contribution credit and the friends of cedar crest association contribution credit; extending the time period and expanding eligibility for the single city port authority credit; relating to rural opportunity zones; extending the time period for eligibility in the loan repayment program and the income tax credit related thereto; defining rural opportunity zone on the basis of population; amending K.S.A. 74-50,222, 74-50,223, 79-3221, 79-32,212 and 79-32,267 and repealing the existing sections";

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

ADAM SMITH

JIM GARTNER

LES MASON

*Conferees on part of House*

CARYN TYSON

LARRY ALLEY

TOM HOLLAND

*Conferees on part of Senate*

Senator Tyson moved the Senate adopt the Conference Committee Report on **SB 47**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The Conference Committee Report was adopted.

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 60** submits the following report:

The House recedes from all of its amendments to the bill, and your committee on conference further agrees to amend the bill as printed as introduced, as follows:

On page 1, following line 7, by inserting:

"New Section 1. (a) Sexual extortion is communicating by any means a threat to injure the property or reputation of a person, commit violence against a person, or distribute an image, video or other recording of a person that is of a sexual nature or depicts such person in a state of nudity:

(1) With the intent to coerce such person to: (A) Engage in sexual contact, sexual intercourse or conduct that is of a sexual nature; or (B) produce, provide or distribute an image, video or other recording of a person in a state of nudity or engaging in conduct that is of a sexual nature; or

(2) that causes such person to: (A) Engage in sexual contact, sexual intercourse or conduct that is of a sexual nature; or (B) produce, provide or distribute an image, video or other recording of a person in a state of nudity or engaging in conduct that is of a sexual nature.

(b) Sexual extortion as defined in:

(1) Subsection (a)(1) is a severity level 7, person felony; and

(2) subsection (a)(2) is a severity level 4, person felony.

(c) This section shall be a part of and supplemental to the Kansas criminal code.

New Sec. 2. (a) In any prosecution for a crime, a court shall not require or order a victim of the crime to submit to or undergo either a psychiatric or psychological examination.

(b) This section shall be a part of and supplemental to the Kansas criminal code.

Sec. 3. K.S.A. 2020 Supp. 8-1568 is hereby amended to read as follows: 8-1568.

(a) (1) ~~(A)~~ Any driver of a motor vehicle who ~~willfully knowingly~~ fails or refuses to bring such driver's vehicle to a stop for a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c)(1).

~~(2)(B)~~ Any driver of a motor vehicle who ~~willfully knowingly~~ otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c) (1).

~~(3)(2)~~ It shall be an affirmative defense to any prosecution under subsection (a)(1) that the driver's conduct in violation of such ~~paragraph~~ subsection was caused by such driver's reasonable belief that the vehicle or bicycle pursuing such driver's vehicle is not a police vehicle or police bicycle.

(b) Any driver of a motor vehicle who ~~willfully knowingly~~ fails or refuses to bring such driver's vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, and who:

(1) Commits any of the following during a police pursuit, shall be guilty as provided by subsection (c)(2):

(A) Fails to stop for a police road block;

(B) drives around tire deflating devices placed by a police officer;

(C) engages in reckless driving as defined by K.S.A. 8-1566, and amendments thereto;

(D) is involved in any motor vehicle accident or intentionally causes damage to property; ~~or~~

(E) commits five or more moving violations; or

(F) is operating a stolen motor vehicle;

(2) is attempting to elude capture for the commission of any felony, shall be guilty as provided in by subsection (c)(2); or

(3) knowingly drives the wrong way into an opposing lane of travel on a divided highway as defined in K.S.A. 8-1414, and amendments thereto, knowingly departs the appropriate lane of travel into an opposing lane of travel on any roadway causing an evasive maneuver by another driver, knowingly drives through any intersection causing an evasive maneuver by another driver or causes a collision involving another driver, shall be guilty as provided by subsection (c)(3).

(c) (1) Violation of subsection (a), upon is a:

(A) First conviction is a Class B nonperson misdemeanor when the person being sentenced has no prior convictions for a violation of subsection (a) or (b);

(B) second conviction is a class A nonperson misdemeanor when the person being sentenced has one prior conviction for a violation of subsection (a) or (b); or

(C) third or subsequent conviction is a severity level 9, person felony when the person being sentenced has two or more prior convictions for a violation of subsection (a) or (b).

(2) Violation of subsection (b)(1) or (b)(2) is a severity level 9, person felony.

(3) Violation of subsection (b)(3) is a severity level 7, person felony.

(4) In addition to the penalty described in paragraph (2), the court shall impose a fine of not less than \$500 when the driver is operating a stolen motor vehicle during the commission of the offense.

(d) The signal given by the police officer may be by hand, voice, emergency light or siren:

(1) If the officer giving such signal is within or upon an official police vehicle or police bicycle at the time the signal is given, the vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle; or

(2) if the officer giving such signal is not utilizing an official police vehicle or police bicycle at the time the signal is given, the officer shall be in uniform, prominently displaying such officer's badge of office at the time the signal is given.

(e) For the purpose of this section:

(1) "Conviction" means a final conviction without regard to whether sentence was suspended or probation granted after such conviction. Forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section, it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(2) "Appropriately marked" official police vehicle or police bicycle shall include, but not be limited to, any police vehicle or bicycle equipped with functional emergency lights or siren or both and which the emergency lights or siren or both have been activated for the purpose of signaling a driver to stop a motor vehicle.

(f) The division of vehicles of the department of revenue shall promote public awareness of the provisions of this section when persons apply for or renew such person's driver's license.";

On page 2, following line 1, by inserting:

"Sec. 5. K.S.A. 2020 Supp. 21-5505 is hereby amended to read as follows: 21-5505. (a) Sexual battery is the touching of a victim ~~who is not the spouse of the offender~~, who is 16 or more years of age and who does not consent thereto, with the intent to arouse or satisfy the sexual desires of the offender or another.

(b) ~~Aggravated sexual battery is the touching of a victim who is 16 or more years of age and who does not consent thereto with the intent to arouse or satisfy the sexual desires of the offender or another and~~ sexual battery, as defined in subsection (a), under any of the following circumstances:

(1) When the victim is overcome by force or fear;

(2) when the victim is unconscious or physically powerless; or

(3) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by, or was reasonably apparent to, the offender.

(c) (1) Sexual battery is a class A person misdemeanor.

(2) Aggravated sexual battery is a severity level 5, person felony.

(d) Except as provided in subsection (b)(3), it shall not be a defense that the offender did not know or have reason to know that the victim did not consent to the battery, that the victim was overcome by force or fear, or that the victim was unconscious or physically powerless.

Sec. 6. K.S.A. 2020 Supp. 21-5804 is hereby amended to read as follows: 21-5804.

(a) In any prosecution under K.S.A. 2020 Supp. 21-5801 through 21-5839, and amendments thereto, the following shall be prima facie evidence of intent to

permanently deprive the owner or lessor of property of the possession, use or benefit thereof:

(1) The giving of a false identification or fictitious name, address or place of employment at the time of buying, selling, leasing, trading, gathering, collecting, soliciting, procuring, receiving, dealing or otherwise obtaining or exerting control over the property;

(2) the failure of a person who leases or rents personal property to return the same within 10 days after the date set forth in the lease or rental agreement for the return of the property, if notice is given to the person renting or leasing the property to return the property within seven days after receipt of the notice, in which case the subsequent return of the property within the seven-day period shall exempt such transaction from consideration as prima facie evidence as provided in this section;

(3) destroying, breaking or opening a lock, chain, key switch, enclosure or other device used to secure the property in order to obtain control over the property;

(4) destruction of or substantially damaging or altering the property so as to make the property unusable or unrecognizable in order to obtain control over the property;

(5) the failure of a person who leases or rents from a commercial renter a motor vehicle under a written agreement that provides for the return of the motor vehicle to a particular place at a particular time, if notice has been given to the person renting or leasing the motor vehicle to return such vehicle within three calendar days from the date of the receipt or refusal of the demand. In addition, if such vehicle has not been returned after demand, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate state and local computer system listing stolen motor vehicles;

(6) the failure of a person who is provided with a use of a vehicle by the owner of the vehicle to return it to the owner pursuant to a written instruction specifying: (A) The time and place to return the vehicle; and (B) that failure to comply may be prosecuted as theft, and such instructions are delivered to the person by the owner at the time the person is provided with possession of the vehicle. In addition, if such vehicle has not been returned pursuant to the specifications in such instructions, the owner may notify the local law enforcement agency of the failure of the person to return such motor vehicle and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate state and local computer system listing stolen motor vehicles;

(7) removing a theft detection device, without authority, from merchandise or disabling such device prior to purchase; or

(8) under the provisions of K.S.A. 2020 Supp. 21-5801(a)(5), and amendments thereto, the failure to replace or reattach the nozzle and hose of the pump used for the dispensing of motor fuels or placing such nozzle and hose on the ground or pavement.

(b) In any prosecution for a misdemeanor under K.S.A. 2020 Supp. 21-5801, and amendments thereto, in which the object of the alleged theft is a book or other material borrowed from a library, it shall be prima facie evidence of intent to permanently deprive the owner of the possession, use or benefit thereof if the defendant failed to return such book or material within 30 days after receiving notice from the library requesting its return, in which case the subsequent return of the book or material within the 30-day period shall exempt such transaction from consideration as prima facie evidence as provided in this section.

(c) In a prosecution for theft as defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, and such theft is of services, the existence of any of the connections of meters, alterations or use of unauthorized or unmeasured electricity, natural gas, water, telephone service or cable television service, caused by tampering, shall be prima facie evidence of intent to commit theft of services by the person or persons using or receiving the direct benefits from the use of the electricity, natural gas, water, telephone service or cable television service passing through such connections or meters, or using the electricity, natural gas, water, telephone service or cable television service which has not been authorized or measured.

(d) In a prosecution for theft as defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, and such theft is of regulated scrap metal as defined in K.S.A. 2020 Supp. 50-6,109, and amendments thereto, either in whole or in part, the failure to give information or the giving of false information to a scrap metal dealer pursuant to the requirements of the scrap metal theft reduction act, the transportation of regulated scrap metal outside the county from where it was obtained, the transportation of regulated scrap metal across state lines or the alteration of any regulated scrap metal prior to any transaction with a scrap metal dealer shall be prima facie evidence of intent to permanently deprive the owner of the regulated scrap metal of the possession, use or benefit thereof.

(e) In a prosecution for theft as defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, and such theft is of a motor vehicle as defined in K.S.A. 8-126, and amendments thereto, fleeing or attempting to elude a police officer as defined in K.S.A. 8-1568(a)(1)(B) or (b), and amendments thereto, shall be prima facie evidence of intent to permanently deprive the owner of the motor vehicle of the possession, use or benefit thereof.

(f) As used in this section:

(1) "Notice" means notice in writing and such notice in writing will be presumed to have been given three days following deposit of the notice as registered or certified matter in the United States mail, addressed to such person who has leased or rented the personal property or borrowed the library material at the address as it appears in the information supplied by such person at the time of such leasing, renting or borrowing, or to such person's last known address; and

(2) "tampering" includes, but is not limited to:

(A) Making a connection of any wire, conduit or device, to any service or transmission line owned by a public or municipal utility, or by a cable television service provider;

(B) defacing, puncturing, removing, reversing or altering any meter or any connections, for the purpose of securing unauthorized or unmeasured electricity, natural gas, water, telephone service or cable television service;

(C) preventing any such meters from properly measuring or registering;

(D) knowingly taking, receiving, using or converting to such person's own use, or the use of another;

(i) Any electricity, water or natural gas ~~which that~~ has not been measured; or

(ii) any telephone or cable television service ~~which that~~ has not been authorized; or

(E) causing, procuring, permitting, aiding or abetting any person to do any of the preceding acts described in subparagraphs (A) through (D).

Sec. 7. K.S.A. 2020 Supp. 22-4902 is hereby amended to read as follows: 22-4902.

As used in the Kansas offender registration act, unless the context otherwise requires:

- (a) "Offender" means:
  - (1) A sex offender;
  - (2) a violent offender;
  - (3) a drug offender;
  - (4) any person who has been required to register under out-of-state law or is otherwise required to be registered; and
  - (5) any person required by court order to register for an offense not otherwise required as provided in the Kansas offender registration act.
- (b) "Sex offender" includes any person who:
  - (1) On or after April 14, 1994, is convicted of any sexually violent crime;
  - (2) on or after July 1, 2002, is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime, unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim;
  - (3) has been determined to be a sexually violent predator;
  - (4) on or after July 1, 1997, is convicted of any of the following crimes when one of the parties involved is less than 18 years of age:
    - (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or K.S.A. 2020 Supp. 21-5511, and amendments thereto;
    - (B) criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its repeal, or K.S.A. 2020 Supp. 21-5504(a)(1) or (a)(2), and amendments thereto;
    - (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2020 Supp. 21-6420, prior to its amendment by section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;
    - (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its repeal, or K.S.A. 2020 Supp. 21-6421, prior to its amendment by section 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or
    - (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2020 Supp. 21-5513, and amendments thereto;
  - (5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or K.S.A. 2020 Supp. 21-5505(a), and amendments thereto;
  - (6) is convicted of sexual extortion, as defined in section 1, and amendments thereto;
  - (7) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of an offense defined in this subsection; or
  - (~~7~~)(8) has been convicted of an offense that is comparable to any crime defined in this subsection, or any out-of-state conviction for an offense that under the laws of this state would be an offense defined in this subsection.
- (c) "Sexually violent crime" means:
  - (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2020 Supp. 21-5503, and amendments thereto;
  - (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or K.S.A. 2020 Supp. 21-5506(a), and amendments thereto;

(3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, prior to its repeal, or K.S.A. 2020 Supp. 21-5506(b), and amendments thereto;

(4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or K.S.A. 2020 Supp. 21-5504(a)(3) or (a)(4), and amendments thereto;

(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2020 Supp. 21-5504(b), and amendments thereto;

(6) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal, or K.S.A. 2020 Supp. 21-5508(a), and amendments thereto;

(7) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, prior to its repeal, or K.S.A. 2020 Supp. 21-5508(b), and amendments thereto;

(8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto;

(9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 2020 Supp. 21-5505(b), and amendments thereto;

(10) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2020 Supp. 21-5604(b), and amendments thereto;

(11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its repeal, and K.S.A. 2020 Supp. 21-5509, and amendments thereto;

(12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to its repeal, or K.S.A. 2020 Supp. 21-5512, and amendments thereto;

(13) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or K.S.A. 2020 Supp. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(14) commercial sexual exploitation of a child, as defined in K.S.A. 2020 Supp. 21-6422, and amendments thereto;

(15) promoting the sale of sexual relations, as defined in K.S.A. 2020 Supp. 21-6420, and amendments thereto;

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

(17) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually violent crime, as defined in this subsection; or

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

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

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

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

(A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A.

2020 Supp. 21-5401, and amendments thereto;

(B) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2020 Supp. 21-5402, and amendments thereto;

(C) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2020 Supp. 21-5403, and amendments thereto;

(D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2020 Supp. 21-5404, and amendments thereto;

(E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 2020 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and amendments thereto. The provisions of this paragraph shall not apply to violations of K.S.A. 2020 Supp. 21-5405(a)(3), and amendments thereto, which occurred on or after July 1, 2011, through July 1, 2013;

(F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or K.S.A. 2020 Supp. 21-5408(a), and amendments thereto;

(G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its repeal, or K.S.A. 2020 Supp. 21-5408(b), and amendments thereto;

(H) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal, or K.S.A. 2020 Supp. 21-5411, and amendments thereto, except by a parent, and only when the victim is less than 18 years of age; or

(I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or K.S.A. 2020 Supp. 21-5426(b), and amendments thereto, if not committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

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

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

(4) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

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

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

(A) Unlawful manufacture or attempting such of any controlled substance or controlled substance analog, as defined in K.S.A. 65-4159, prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or K.S.A. 2020 Supp. 21-5703, and amendments thereto;

(B) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance, as defined in K.S.A. 65-7006(a), prior to its repeal, K.S.A. 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2020 Supp. 21-5709(a), and amendments thereto;

(C) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-36a05(a)(1), prior to its transfer, or K.S.A. 2020 Supp. 21-5705(a)(1), and amendments thereto. The provisions of this paragraph shall not apply to violations of K.S.A. 2010 Supp. 21-

36a05(a)(2) through (a)(6) or (b) which occurred on or after July 1, 2009, through April 15, 2010;

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

(3) is or has been convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(g) Convictions or adjudications which result from or are connected with the same act, or result from crimes committed at the same time, shall be counted for the purpose of this section as one conviction or adjudication. Any conviction or adjudication set aside pursuant to law is not a conviction or adjudication for purposes of this section. A conviction or adjudication from any out-of-state court shall constitute a conviction or adjudication for purposes of this section.

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

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

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

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

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

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

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

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

(p) "Treatment facility" means any public or private facility or institution providing inpatient mental health, drug or alcohol treatment or counseling, but does not include a

hospital, as defined in K.S.A. 65-425, and amendments thereto.

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

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

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

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

(A) Convicted of unlawful transmission of a visual depiction of a child, as defined in K.S.A. 2020 Supp. 21-5611(a), and amendments thereto, aggravated unlawful transmission of a visual depiction of a child, as defined in K.S.A. 2020 Supp. 21-5611(b), and amendments thereto, or unlawful possession of a visual depiction of a child, as defined in K.S.A. 2020 Supp. 21-5610, and amendments thereto; ~~or~~

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

(C) adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of sexual extortion as defined in section 1, and amendments thereto.

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

Sec. 8. K.S.A. 2020 Supp. 22-4906 is hereby amended to read as follows: 22-4906.

(a) (1) Except as provided in subsection (c), if convicted of any of the following offenses, an offender's duration of registration shall be, if confined, 15 years after the date of parole, discharge or release, whichever date is most recent, or, if not confined, 15 years from the date of conviction:

(A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or K.S.A. 2020 Supp. 21-5505(a), and amendments thereto;

(B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or K.S.A. 2020 Supp. 21-5511, and amendments thereto, when one of the parties involved is less than 18 years of age;

(C) promoting the sale of sexual relations, as defined in K.S.A. 2020 Supp. 21-6420, and amendments thereto;

(D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its repeal, or K.S.A. 2020 Supp. 21-6421, prior to its amendment by section 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, when one of the parties involved is less than 18 years of age;

(E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2020 Supp. 21-5513, and amendments thereto, when one of the parties involved is less than 18 years of age;

(F) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2020 Supp. 21-5401, and amendments thereto;

(G) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2020 Supp. 21-5402, and amendments thereto;

(H) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal,

or K.S.A. 2020 Supp. 21-5403, and amendments thereto;

(I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2020 Supp. 21-5404, and amendments thereto;

(J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 2020 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and amendments thereto;

(K) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal, or K.S.A. 2020 Supp. 21-5411, and amendments thereto, except by a parent, and only when the victim is less than 18 years of age;

(L) sexual extortion, as defined in section 1, and amendments thereto, when one of the parties involved is less than 18 years of age;

(M) any act which has been determined beyond a reasonable doubt to have been sexually motivated, unless the court, on the record, finds that the act involved nonforcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim;

~~(N)~~(N) conviction of any person required by court order to register for an offense not otherwise required as provided in the Kansas offender registration act;

~~(O)~~(O) conviction of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;

~~(P)~~(P) unlawful manufacture or attempting such of any controlled substance or controlled substance analog, as defined in K.S.A. 65-4159, prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or K.S.A. 2020 Supp. 21-5703, and amendments thereto;

~~(Q)~~(Q) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A. 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2020 Supp. 21-5709(a), and amendments thereto;

~~(R)~~(R) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-36a05(a)(1), prior to its transfer, or K.S.A. 2020 Supp. 21-5705(a)(1), and amendments thereto; or

~~(S)~~(S) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(2) Except as otherwise provided by the Kansas offender registration act, the duration of registration terminates, if not confined, at the expiration of 15 years from the date of conviction. Any period of time during which any offender is incarcerated in any jail or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration.

(b) (1) Except as provided in subsection (c), if convicted of any of the following offenses, an offender's duration of registration shall be, if confined, 25 years after the date of parole, discharge or release, whichever date is most recent, or, if not confined, 25 years from the date of conviction:

(A) Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its repeal, or K.S.A. 2020 Supp. 21-5504(a)(1) or (a)(2), and amendments thereto, when one of the parties involved is less than 18 years of age;

(B) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal,

or K.S.A. 2020 Supp. 21-5508(a), and amendments thereto;

(C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its repeal, or K.S.A. 2020 Supp. 21-5509, and amendments thereto;

(D) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2020 Supp. 21-5604(b), and amendments thereto;

(E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or K.S.A. 2020 Supp. 21-5506(a), and amendments thereto;

(F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to its repeal, or K.S.A. 2020 Supp. 21-5512, and amendments thereto;

(G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto, if the victim is 14 or more years of age but less than 18 years of age;

(H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 2020 Supp. 21-5505(b), and amendments thereto;

(I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2020 Supp. 21-6420, prior to its amendment by section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if the person selling sexual relations is 14 or more years of age but less than 18 years of age; or

(J) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(2) Except as otherwise provided by the Kansas offender registration act, the duration of registration terminates, if not confined, at the expiration of 25 years from the date of conviction. Any period of time during which any offender is incarcerated in any jail or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration.

(c) Upon a second or subsequent conviction of an offense requiring registration, an offender's duration of registration shall be for such offender's lifetime.

(d) The duration of registration for any offender who has been convicted of any of the following offenses shall be for such offender's lifetime:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2020 Supp. 21-5503, and amendments thereto;

(2) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, prior to its repeal, or K.S.A. 2020 Supp. 21-5508(b), and amendments thereto;

(3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, prior to its repeal, or K.S.A. 2020 Supp. 21-5506(b), and amendments thereto;

(4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or K.S.A. 2020 Supp. 21-5504(a)(3) or (a)(4), and amendments thereto;

(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2020 Supp. 21-5504(b), and amendments thereto;

(6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or K.S.A. 2020 Supp. 21-5426(b), and amendments thereto;

(7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto, if the victim is less than 14 years of age;

(8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or

K.S.A. 2020 Supp. 21-6420, prior to its amendment by section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if the person selling sexual relations is less than 14 years of age;

(9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or K.S.A. 2020 Supp. 21-5408(a), and amendments thereto;

(10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its repeal, or K.S.A. 2020 Supp. 21-5408(b), and amendments thereto;

(11) commercial sexual exploitation of a child, as defined in K.S.A. 2020 Supp. 21-6422, and amendments thereto; or

(12) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(e) Any person who has been declared a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall register for such person's lifetime.

(f) Notwithstanding any other provisions of this section, for an offender less than 14 years of age who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, the court shall:

(1) Require registration until such offender reaches 18 years of age, at the expiration of five years from the date of adjudication or, if confined, from release from confinement, whichever date occurs later. Any period of time during which the offender is incarcerated in any jail, juvenile facility or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration;

(2) not require registration if the court, on the record, finds substantial and compelling reasons therefor; or

(3) require registration, but such registration information shall not be open to inspection by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto. If the court requires registration but such registration is not open to the public, such offender shall provide a copy of such court order to the registering law enforcement agency at the time of registration. The registering law enforcement agency shall forward a copy of such court order to the Kansas bureau of investigation.

If such offender violates a condition of release during the term of the conditional release, the court may require such offender to register pursuant to paragraph (1).

(g) Notwithstanding any other provisions of this section, for an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such crime is not an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A. 2020 Supp. 21-6804, and amendments thereto, the court shall:

(1) Require registration until such offender reaches 18 years of age, at the expiration of five years from the date of adjudication or, if confined, from release from confinement, whichever date occurs later. Any period of time during which the offender is incarcerated in any jail, juvenile facility or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender

registration act shall not count toward the duration of registration;

(2) not require registration if the court, on the record, finds substantial and compelling reasons therefor; or

(3) require registration, but such registration information shall not be open to inspection by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto. If the court requires registration but such registration is not open to the public, such offender shall provide a copy of such court order to the registering law enforcement agency at the time of registration. The registering law enforcement agency shall forward a copy of such court order to the Kansas bureau of investigation.

If such offender violates a condition of release during the term of the conditional release, the court may require such offender to register pursuant to paragraph (1).

(h) Notwithstanding any other provisions of this section, an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such crime is an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A. 2020 Supp. 21-6804, and amendments thereto, shall be required to register for such offender's lifetime.

(i) Notwithstanding any other provision of law, if a diversionary agreement or probation order, either adult or juvenile, or a juvenile offender sentencing order, requires registration under the Kansas offender registration act for an offense that would not otherwise require registration as provided in K.S.A. 22-4902(a)(5), and amendments thereto, then all provisions of the Kansas offender registration act shall apply, except that the duration of registration shall be controlled by such diversionary agreement, probation order or juvenile offender sentencing order.

(j) The duration of registration does not terminate if the convicted or adjudicated offender again becomes liable to register as provided by the Kansas offender registration act during the required period of registration.

(k) For any person moving to Kansas who has been convicted or adjudicated in an out-of-state court, or who was required to register under an out-of-state law, the duration of registration shall be the length of time required by the out-of-state jurisdiction or by the Kansas offender registration act, whichever length of time is longer. The provisions of this subsection shall apply to convictions or adjudications prior to June 1, 2006, and to persons who moved to Kansas prior to June 1, 2006, and to convictions or adjudications on or after June 1, 2006, and to persons who moved to Kansas on or after June 1, 2006.

(l) For any person residing, maintaining employment or attending school in this state who has been convicted or adjudicated by an out-of-state court of an offense that is comparable to any crime requiring registration pursuant to the Kansas offender registration act, but who was not required to register in the jurisdiction of conviction or adjudication, the duration of registration shall be the duration required for the comparable offense pursuant to the Kansas offender registration act.";

Also on page 2, in line 2, after "Supp." by inserting "8-1568,"; also in line 2, by striking "is" and inserting ", 21-5505, 21-5804, 22-4902 and 22-4906 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "creating the crime

of sexual extortion and requiring registration of offenders; prohibiting a court from requiring psychiatric or psychological examinations of an alleged victim of any crime; relating to fleeing or attempting to elude a police officer; increasing penalties thereof when operating a stolen motor vehicle, committing certain driving violations or causing a collision involving another driver;"; in line 3, after the semicolon by inserting "removing the spousal exception from the crime of sexual battery; relating to evidence of intent to deprive owner of property for the crime of theft;"; in line 4, after "Supp." by inserting "8-1568, "; also in line 4, after "21-5106" by inserting ", 21-5505, 21-5804, 22-4902 and 22-4906"; in line 5, by striking "section" and inserting "sections";

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

FRED PATTON  
BRADLEY RALPH  
JOHN CARMICHAEL  
*Conferees on part of House*

KELLIE WARREN  
RICK WILBORN  
DAVID HALEY  
*Conferees on part of Senate*

Senator Warren moved the Senate adopt the Conference Committee Report on **SB 60**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 170** submits the following report:

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

On page 1, by striking all in lines 9 through 36;

By striking all on pages 2 through 5;

On page 6, by striking all in lines 1 through 4; following line 4 by inserting:

"New Section 1. The board may assess a fee at the time of licensure or license renewal for any person seeking compact privilege to practice under the psychology interjurisdictional compact whose home state is Kansas, in addition to any other fees authorized by law for licensure, not to exceed \$25. The board shall adopt rules and regulations to establish the amount of such fee.

New Sec. 2. This section shall be known and may be cited as the psychology interjurisdictional compact (PSYPACT). This section shall take effect on and after January 1, 2022.

## ARTICLE I

## PURPOSE

WHEREAS, States license psychologists in order to protect the public through verification of education, training and experience and ensure accountability for professional practice; and

WHEREAS, This compact is intended to regulate the day-to-day practice of telepsychology, the provision of psychological services using telecommunications technologies, by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority; and

WHEREAS, This compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for 30 days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority; and

WHEREAS, This compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the compact, to psychologists licensed in another state; and

WHEREAS, This compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety; and

WHEREAS, This compact does not apply when a psychologist is licensed in both the home and receiving states; and

WHEREAS, This compact does not apply to permanent in-person, face-to-face practice, but it does allow for authorization of temporary psychological practice.

Consistent with these principles, this compact is designed to achieve the following purposes and objectives:

(a) Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;

(b) enhance the states' ability to protect the public's health and safety, especially client/patient safety;

(c) encourage the cooperation of compact states in the areas of psychology licensure and regulation;

(d) facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions and disciplinary history;

(e) promote compliance with the laws governing psychological practice in each compact state; and

(f) invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

## ARTICLE II

## DEFINITIONS

(a) "Adverse action" means any action taken by a state psychology regulatory authority that finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record.

(b) "Association of state and provincial psychology boards" means the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

(c) "Authority to practice interjurisdictional telepsychology" means a licensed psychologist's authority to practice telepsychology, within the limits authorized under this compact, in another compact state.

(d) "Bylaws" means those bylaws established by the psychology interjurisdictional compact commission pursuant to article X for its governance or for directing and controlling its actions and conduct.

(e) "Client/patient" means the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision or consulting services.

(f) "Commissioner" means the voting representative appointed by each state psychology regulatory authority pursuant to article X.

(g) "Compact state" means a state, the District of Columbia or a United States territory that has enacted this compact legislation and that has not withdrawn pursuant to article XIII(c) or been terminated pursuant to article XII(b).

(h) "Coordinated licensure information system" or "coordinated database" means an integrated process for collecting, storing and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, administered by the recognized membership organization composed of state and provincial psychology regulatory authorities.

(i) "Confidentiality" means the principle that data or information is not made available or disclosed to unauthorized persons or processes.

(j) "Day" means any part of a day in which psychological work is performed.

(k) "Distant state" means the compact state where a psychologist is physically present, not through the use of telecommunications technologies, to provide temporary in-person, face-to-face psychological services.

(l) "E.passport" means a certificate issued by the association of state and provincial psychology boards that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

(m) "Executive board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

(n) "Home state" means a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the "home state" is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the "home state" is any compact state where the psychologist is licensed.

(o) "Identity history summary" means a summary of information retained by the federal bureau of investigation, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization or military service.

(p) "In-person, face-to-face" means interactions in which the psychologist and the

client/patient are in the same physical space and does not include interactions that may occur through the use of telecommunications technologies.

(q) "Interjurisdictional practice certificate" means a certificate issued by the association of state and provincial psychology boards that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily, and verification of one's qualifications for such practice.

(r) "License" means authorization by a state psychology regulatory authority to engage in the independent practice of psychology that would be unlawful without the authorization.

(s) "Non-compact state" means any state that is not, at the time, a compact state.

(t) "Psychologist" means an individual licensed for the independent practice of psychology.

(u) "Psychology interjurisdictional compact commission" or "commission" means the national administration of which all compact states are members.

(v) "Receiving state" means a compact state where the client/patient is physically located when the telepsychological services are delivered.

(w) "Rule" means a written statement by the psychology interjurisdictional compact commission promulgated pursuant to article XI that:

(1) Is of general applicability;  
 (2) implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural or practice requirement of the commission;

(3) has the force and effect of statutory law in a compact state; and

(4) includes the amendment, repeal or suspension of an existing rule.

(x) "Significant investigatory information" means:

(1) Investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

(2) investigative information that indicates that the psychologist represents an immediate threat to public health and safety, regardless of whether the psychologist has been notified or had an opportunity to respond.

(y) "State" means a state, commonwealth, territory or possession of the United States or the District of Columbia.

(z) "State psychology regulatory authority" means the board, office or other agency with the legislative mandate to license and regulate the practice of psychology.

(aa) "Telepsychology" means the provision of psychological services using telecommunications technologies.

(bb) "Temporary authorization to practice" means a licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this compact, in another compact state.

(cc) "Temporary in-person, face-to-face practice" means a psychologist is physically present, not through the use of telecommunications technologies, in the distant state to provide for the practice of psychology for 30 days within a calendar year and based on notification to the distant state.

ARTICLE III  
HOME STATE LICENSURE

(a) The home state shall be a compact state where a psychologist is licensed to practice psychology.

(b) A psychologist may hold one or more compact state licenses at a time. If the psychologist is licensed in more than one compact state, the home state is the compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

(c) Any compact state may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

(d) Any compact state may require a psychologist to obtain and retain a license to be authorized to practice in a compact state under circumstances not authorized by temporary authorization to practice under the terms of this compact.

(e) A home state's license authorizes a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the compact state:

(1) Currently requires the psychologist to hold an active e.passport;  
(2) has a mechanism in place for receiving and investigating complaints about licensed individuals;

(3) notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

(4) requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the federal bureau of investigation, or other designee with similar authority, not later than 10 years after activation of the compact; and

(5) complies with the bylaws and rules of the commission.

(f) A home state's license grants temporary authorization to practice to a psychologist in a distant state only if the compact state:

(1) Currently requires the psychologist to hold an active interjurisdictional practice certificate;

(2) has a mechanism in place for receiving and investigating complaints about licensed individuals;

(3) notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

(4) requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the federal bureau of investigation, or other designee with similar authority, not later than 10 years after activation of the compact; and

(5) complies with the bylaws and rules of the commission.

ARTICLE IV  
COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

(a) Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with article III, to practice telepsychology in other compact states,

or receiving states, in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the compact.

(b) To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:

(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

(A) Regionally accredited by an accrediting body recognized by the United States department of education to grant graduate degrees or authorized by provincial statute or royal charter to grant doctoral degrees; or

(B) a foreign college or university deemed to be equivalent to subparagraph (A) by a foreign credential evaluation service that is a member of the national association of credential evaluation services or by a recognized foreign credential evaluation service;

(2) hold a graduate degree in psychology that meets the following criteria:

(A) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such program must specify in pertinent institutional catalogs and brochures its intent to educate and train professional psychologists;

(B) the psychology program shall stand as a recognizable, coherent, organizational entity within the institution;

(C) there shall be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines;

(D) the program shall consist of an integrated, organized sequence of study;

(E) there shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

(F) the designated director of the program shall be a psychologist and a member of the core faculty;

(G) the program shall have an identifiable body of students who are matriculated in that program for a degree;

(H) the program shall include supervised practicum, internship or field training appropriate to the practice of psychology;

(I) the curriculum shall encompass a minimum of three academic years of full-time graduate study for a doctoral degree and a minimum of one academic year of full-time graduate study for a master's degree; and

(J) the program includes an acceptable residency as defined by the rules of the commission;

(3) possess a current, full and unrestricted license to practice psychology in a home state that is a compact state;

(4) have no history of adverse action that violates the rules of the commission;

(5) have no criminal record history reported on an identity history summary that violates the rules of the commission;

(6) possess a current, active e.passport;

(7) provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology, criminal background and knowledge and adherence to legal requirements in the home and receiving states and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(8) meet other criteria as defined by the rules of the commission.

(c) The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.

(d) A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology shall be subject to the receiving state's scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect the health and safety of the receiving state's citizens. If a receiving state takes action, the state shall promptly notify the home state and the commission.

(e) If a psychologist's license in any home state or another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or otherwise limited, the e.passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

#### ARTICLE V

##### COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

(a) Compact states shall also recognize the right of a psychologist, licensed in a compact state in conformance with Article III, to practice temporarily in other compact states, or distant states, in which the psychologist is not licensed, as provided in the compact.

(b) To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:

(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

(A) Regionally accredited by an accrediting body recognized by the United States department of education to grant graduate degrees or authorized by provincial statute or royal charter to grant doctoral degrees; or

(B) a foreign college or university deemed to be equivalent to subparagraph (A) by a foreign credential evaluation service that is a member of the national association of credential evaluation services or by a recognized foreign credential evaluation service;

(2) hold a graduate degree in psychology that meets the following criteria:

(A) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogs and brochures its intent to educate and train professional psychologists;

(B) the psychology program shall stand as a recognizable, coherent, organizational entity within the institution;

(C) there shall be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines;

(D) the program shall consist of an integrated, organized sequence of study;

(E) there shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

(F) the designated director of the program shall be a psychologist and a member of the core faculty;

(G) the program shall have an identifiable body of students who are matriculated in that program for a degree;

(H) the program shall include supervised practicum, internship or field training appropriate to the practice of psychology;

(I) the curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degrees; and

(J) the program includes an acceptable residency as defined by the rules of the commission;

(3) possess a current, full and unrestricted license to practice psychology in a home state that is a compact state;

(4) no history of adverse action that violate the rules of the commission;

(5) no criminal record history that violates the rules of the commission;

(6) possess a current, active interjurisdictional practice certificate;

(7) provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(8) meet other criteria as defined by the rules of the commission.

(c) A psychologist practicing into a distant state under the temporary authorization to practice shall practice within the scope of practice authorized by the distant state.

(d) A psychologist practicing into a distant state under the temporary authorization to practice shall be subject to the distant state's authority and law. A distant state may, in accordance with that state's due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect the health and safety of the distant state's citizens. If a distant state takes action, the state shall promptly notify the home state and the commission.

(e) If a psychologist's license in any home state or another compact state, or any temporary authorization to practice in any distant state, is restricted, suspended or otherwise limited, the interjurisdictional practice certificate shall be revoked and therefore the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice.

#### ARTICLE VI

##### CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the commission, and under the following circumstances:

(a) The psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state; and

(b) other conditions regarding telepsychology as determined by rules promulgated by the commission.

ARTICLE VII  
ADVERSE ACTIONS

(a) A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.

(b) A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse action against a psychologist based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.

(c) If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the e.passport is revoked. Furthermore, that psychologist's temporary authorization to practice is terminated and the interjurisdictional practice certificate is revoked.

(1) All home state disciplinary orders that impose adverse action shall be reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules of the commission.

(2) In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission.

(3) Other actions may be imposed as determined by the rules promulgated by the commission.

(d) A home state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee that occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state's law shall control in determining any adverse action against a psychologist's license.

(e) A distant state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under temporary authorization practice that occurred in that distant state as it would if such conduct had occurred by a licensee within the home state. In such cases, the distant state's law shall control in determining any adverse action against a psychologist's temporary authorization to practice.

(f) Nothing in this compact shall override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the compact state's law. Compact states shall require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

(g) No other judicial or administrative remedies shall be available to a psychologist in the event a compact state imposes an adverse action pursuant to subsection (c).

ARTICLE VIII  
ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S  
PSYCHOLOGY REGULATORY AUTHORITY

In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this compact to:

(a) Issue subpoenas, for both hearings and investigations, that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses or the production of evidence from another compact state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located; and

(b) issue cease and desist or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice.

(c) During the course of any investigation, a psychologist may not change such psychologist's home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcome of such investigation, the psychologist may change the psychologist's home state licensure. The commission shall promptly notify the new home state of any such decisions as provided in the rules of the commission. All information provided to the commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

ARTICLE IX  
COORDINATED LICENSURE INFORMATION SYSTEM

(a) The Commission shall provide for the development and maintenance of a coordinated licensure information system and reporting system containing licensure and disciplinary action information on all individuals to whom this compact is applicable in all compact states as defined by the rules of the commission.

(b) Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission, including:

- (1) Identifying information;
- (2) licensure data;
- (3) significant investigatory information;
- (4) adverse actions against a psychologist's license;
- (5) an indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked;

(6) non-confidential information related to alternative program participation information;

(7) any denial of application for licensure and the reasons for such denial; and

(8) other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(c) The coordinated database administrator shall promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.

(d) Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.

(e) Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the coordinated database.

ARTICLE X  
ESTABLISHMENT OF THE PSYCHOLOGY  
INTERJURISDICTIONAL COMPACT COMMISSION

(a) The compact states hereby create and establish a joint public agency known as the psychology interjurisdictional compact commission.

(1) The commission is a body politic and an instrumentality of the compact states.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) *Membership, voting and meetings.*

(1) The commission shall consist of one voting representative appointed by each compact state who shall serve as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:

(A) The executive director, executive secretary or similar executive;

(B) a current member of the state psychology regulatory authority of a compact state; or

(C) a designee empowered with the appropriate delegate authority to act on behalf of the compact state.

(2) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the compact state in which the vacancy exists.

(3) Each commissioner shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by

such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.

(4) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(5) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in article XI.

(6) The commission may convene in a closed, non-public meeting if the commission must discuss:

(A) Non-compliance of a compact state with its obligations under the compact;  
 (B) the employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(C) current, threatened or reasonably anticipated litigation against the commission;

(D) negotiation of contracts for the purchase or sale of goods, services or real estate;

(E) accusation against any person of a crime or formally censuring any person;

(F) disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(G) disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(H) disclosure of investigatory records compiled for law enforcement purposes;

(I) disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact; or

(J) matters specifically exempted from disclosure by federal and state statute.

(7) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken of any person participating in the meeting and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

(c) The commission shall, by a majority vote of the commissioners, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including, but not limited to:

(1) Establishing the fiscal year of the commission;

(2) providing reasonable standards and procedures:

(A) For the establishment and meetings of other committees; and

(B) governing any general or specific delegation of any authority or function of the commission;

(3) providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such

proceedings and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission shall make public a copy of the vote to close the meeting revealing the vote of each commissioner, with no proxy votes allowed;

(4) establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission;

(5) providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the commission;

(6) promulgating a code of ethics to address permissible and prohibited activities of commission members and employees;

(7) providing a mechanism for concluding the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of its debts and obligations;

(8) the commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto with the appropriate agency or officer in each of the compact states;

(9) the commission shall maintain its financial records in accordance with the bylaws; and

(10) the commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

(d) The commission shall have the following powers:

(1) The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. Such uniform rules shall have the force and effect of law and shall be binding in all compact states;

(2) to bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

(3) to purchase and maintain insurance and bonds;

(4) to borrow, accept or contract for services of personnel, including, but not limited to, employees of a compact state;

(5) to hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

(6) to accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same, provided that at all times the commission shall strive to avoid any appearance of impropriety or conflict of interest;

(7) to lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any real or personal property, or mixed, provided that at all times the commission shall strive to avoid any appearance of impropriety;

(8) to sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any real or personal property, or mixed;

- (9) to establish a budget and make expenditures;
  - (10) to borrow money;
  - (11) to appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, consumer representatives and such other interested persons as may be designated in this compact and the bylaws;
  - (12) to provide and receive information from, and to cooperate with, law enforcement agencies;
  - (13) to adopt and use an official seal; and
  - (14) to perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.
- (e) *The executive board.* The elected officers shall serve as the executive board, and the executive board shall have the power to act on behalf of the commission according to the terms of this compact.
- (1) The executive board shall be comprised of six members:
    - (A) Five voting members who are elected from the current membership of the commission by the commission; and
    - (B) one ex-officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.
  - (2) The ex-officio member shall have served as staff or member on a state psychology regulatory authority and shall be selected by its respective organization.
  - (3) The commission may remove any member of the executive board as provided in bylaws.
  - (4) The executive board shall meet at least annually.
  - (5) The executive board shall have the following duties and responsibilities:
    - (A) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact states, such as annual dues and any other applicable fees;
    - (B) ensure compact administration services are appropriately provided, contractual or otherwise;
    - (C) prepare and recommend the budget;
    - (D) maintain financial records on behalf of the commission;
    - (E) monitor compact compliance of member states and provide compliance reports to the commission;
    - (F) establish additional committees as necessary; and
    - (G) other duties as provided in rules or bylaws.
  - (f) *Financing of the commission.*
    - (1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.
    - (2) The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.
    - (3) The commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, and the commission shall promulgate a

rule binding upon all compact states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the commission pledge the credit of any of the compact states, except by and with the authority of the compact state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

(g) *Qualified immunity, defense and indemnification.*

(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties or responsibilities, provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities: *Provided*, That nothing herein shall be construed to prohibit that person from retaining such person's own counsel: *And provided further*, That the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

#### ARTICLE XI RULEMAKING

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) If a majority of the legislatures of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compact state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(d) Prior to promulgation and adoption of a final rule or rules by the commission, and at least 60 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission; and  
(2) on the website of each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

(e) The notice of proposed rulemaking shall include:

(1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

(2) the text of the proposed rule or amendment and the reason for the proposed rule;

(3) a request for comments on the proposed rule from any interested person; and

(4) the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(f) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

(g) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(1) At least 25 persons who submit comments independently of each other;

(2) a governmental subdivision or agency; or

(3) a duly appointed person in an association that has at least 25 members.

(h) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time and date of the scheduled public hearing.

(1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) No transcript of the hearing is required unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This paragraph shall not preclude the commission from making a transcript or recording of the hearing if the commission so chooses.

(4) Nothing in this article shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(j) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(k) If no written notice of intent to attend the public hearing by interested parties is

received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(l) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this article shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

- (1) Meet an imminent threat to public health, safety or welfare;
- (2) prevent a loss of commission or compact state funds;
- (3) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
- (4) protect public health and safety.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

## ARTICLE XII OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

### (a) *Oversight.*

(1) The executive, legislative and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this compact that may affect the powers, responsibilities or actions of the commission.

(3) The commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

### (b) *Default, technical assistance and termination.*

(1) If the commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(A) Provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default and any other action to be taken by the commission; and

(B) provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to remedy the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compact states, and all rights, privileges and benefits conferred by this compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the commission to the governor and the majority and minority leaders of the defaulting state's legislature and each of the compact states.

(4) A compact state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The commission shall not bear any costs incurred by the state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the United States district court for the state of Georgia or the federal district where the compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

(c) *Dispute resolution.*

(1) Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact that arise among compact states and between compact and non-compact states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

(d) *Enforcement.*

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States district court for the state of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

### ARTICLE XIII

#### DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL AND AMENDMENTS

(a) The compact shall come into effect on the date on which the compact is enacted into law in the 7<sup>th</sup> compact state. The provisions that become effective at that time shall be limited to the powers granted to the commission relating to assembly and the

promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(b) Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(c) Any compact state may withdraw from this compact by enacting a statute repealing the same.

(1) A compact state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a non-compact state that does not conflict with the provisions of this compact.

(e) This compact may be amended by the compact states. No amendment to this compact shall become effective and binding upon any compact state until it is enacted into the law of all compact states.

#### ARTICLE XIV CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining compact states.

New Sec. 3. This section shall be known and may be cited as the physical therapy licensure compact.

#### SECTION 1. PURPOSE

(a) The purpose of this compact is to facilitate the interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient or client is located at the time of the patient or client encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

(b) This compact is designed to achieve the following objectives:

(1) Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;

(2) enhance the states' ability to protect the public's health and safety;

(3) encourage the cooperation of member states in regulating multi-state physical therapy practice;

(4) support spouses of relocating military members;

(5) enhance the exchange of licensure, investigative and disciplinary information between member states; and

(6) allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

SECTION 2.  
DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions shall apply:

(a) "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. §§ 1209 and 1211.

(b) "Adverse action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.

(c) "Alternative program" means a non-disciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, but is not limited to, substance abuse issues.

(d) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient or client is located at the time of the patient or client encounter.

(e) "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, or completion of, or both, educational and professional activities relevant to practice or the area of work.

(f) "Data system" means a repository of information about licensees, including examination, licensure, investigative, compact privilege and adverse action.

(g) "Encumbered license" means a license that a physical therapy licensing board has limited in any way.

(h) "Executive board" means a group of directors elected or appointed to act on behalf of and, within the powers granted to them, by the commission.

(i) "Home state" means the member state that is the licensee's primary state of residence.

(j) "Investigative information" means information, records and documents received or generated by a physical therapy licensing board pursuant to an investigation.

(k) "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.

(l) "Licensee" means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant.

(m) "Member state" means a state that has enacted the compact.

(n) "Party state" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.

(o) "Physical therapist" means an individual who is licensed by a state to practice physical therapy.

(p) "Physical therapist assistant" means an individual who is licensed or certified by a state and who assists the physical therapist in selected components of physical therapy.

(q) "Physical therapy," "physical therapy practice," and "the practice of physical therapy" means the care and services provided by or under the direction and supervision

of a licensed physical therapist.

(r) "Physical therapy compact commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact.

(s) "Physical therapy licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

(t) "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

(u) "Rule" means a rule, regulation, principle or directive promulgated by the commission that has the force of law.

(v) "State" means any state, commonwealth, district or territory of the United States that regulates the practice of physical therapy.

#### SECTION 3.

##### STATE PARTICIPATION IN THE COMPACT

(a) To participate in the compact, a state must:

(1) Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules;

(2) have a mechanism in place for receiving and investigating complaints about licensees;

(3) notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

(4) fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the federal bureau of investigation record search on criminal background checks and use the results in making licensure decisions in accordance with this compact;

(5) comply with the rules of the commission;

(6) utilize a recognized national examination as a requirement for licensure pursuant to the rules of the commission; and

(7) have continuing competence requirements as a condition for license renewal.

(b) Upon adoption of this compact, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the federal bureau of investigation for a criminal background check in accordance with 28 U.S.C. § 534 and 42 U.S.C. § 14616.

(c) A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

(d) Member states may charge a fee for granting a compact privilege.

#### SECTION 4.

##### COMPACT PRIVILEGE

(a) To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

(1) Hold a license in the home state;

(2) have no encumbrance on any state license;

(3) be eligible for a compact privilege in any member state in accordance with section 4(d), (g) and (h);

(4) have not had any adverse action against any license or compact privilege within the previous two years;

(5) notify the commission that the licensee is seeking the compact privilege within a remote state;

(6) pay any applicable fees, including any state fee, for the compact privilege;

(7) meet any jurisprudence requirements established by the remote state in which the licensee is seeking a compact privilege; and

(8) report to the commission adverse action taken by any non-member state within 30 days from the date the adverse action is taken.

(b) The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of section 4(a) to maintain the compact privilege in the remote state.

(c) A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

(d) A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time or impose fines, or both, and may take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

(e) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

(1) The home state license is no longer encumbered; and

(2) two years have elapsed from the date of the adverse action.

(f) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of section 4(a) to obtain a compact privilege in any remote state.

(g) If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur:

(1) The specific period of time for which the compact privilege was removed has ended;

(2) all fines have been paid; and

(3) two years have elapsed from the date of the adverse action.

(h) Once the requirements of section 4(g) have been met, the licensee must meet the requirements in section 4(a) to obtain a compact privilege in a remote state.

#### SECTION 5.

#### ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

(a) Home of record;

(b) permanent change of station (PCS); or

(c) state of current residence, if it is different than the PCS state or home of record.

#### SECTION 6.

#### ADVERSE ACTIONS

(a) A home state shall have exclusive power to impose adverse action against a license issued by the home state.

(b) A home state may take adverse action based on the investigative information of

a remote state, so long as the home state follows its own procedures for imposing adverse action.

(c) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the member state's laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

(d) Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

(e) A remote state shall have the authority to:

(1) Take adverse actions as set forth in section 4(d) against a licensee's compact privilege in the state;

(2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses, or the production of evidence, or both, from another party state shall be enforced in the latter state by any court of competent jurisdiction according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before that court. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence, or both, are located; and

(3) if otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

(f) Joint investigations:

(1) In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

#### SECTION 7.

##### ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION

(a) The compact member states hereby create and establish a joint public agency known as the physical therapy compact commission:

(1) The commission is an instrumentality of the compact states.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, voting, and meetings:

(1) Each member state shall have and be limited to one delegate selected by that

member state's licensing board.

(2) The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member or the board administrator.

(3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(4) The member state board shall fill any vacancy occurring in the commission.

(5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

(6) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(7) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(c) The commission shall have the following powers and duties:

(1) Establish the fiscal year of the commission;

(2) establish bylaws;

(3) maintain its financial records in accordance with the bylaws;

(4) meet and take such actions as are consistent with the provisions of this compact and the bylaws;

(5) promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;

(6) bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected;

(7) purchase and maintain insurance and bonds;

(8) borrow, accept or contract for services of personnel including, but not limited to, employees of a member state;

(9) hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

(10) accept any and all appropriate donations and grants of money, equipment, supplies, materials and services and receive, utilize and dispose of the same, except that at all times the commission shall avoid any appearance of impropriety or conflict of interest, or both;

(11) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve or use, any property, real, personal or mixed, except that at all times the commission shall avoid any appearance of impropriety;

(12) sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

(13) establish a budget and make expenditures;

(14) borrow money;

(15) appoint committees, including standing committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives and such other interested persons as may be designated in this compact and the bylaws;

(16) provide and receive information from, and cooperate with, law enforcement agencies;

(17) establish and elect an executive board; and

(18) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of physical therapy licensure and practice.

(d) The executive board shall have the power to act on behalf of the commission according to the terms of this compact.

(1) The executive board shall be comprised of nine members:

(A) Seven voting members, who are elected by the commission from the current membership of the commission;

(B) one ex-officio, non-voting member from the recognized national physical therapy professional association; and

(C) one ex-officio, non-voting member from the recognized membership organization of the physical therapy licensing boards.

(2) The ex-officio members will be selected by their respective organizations.

(3) The commission may remove any member of the executive board as provided in the bylaws.

(4) The executive board shall meet at least annually.

(5) The executive board shall have the following duties and responsibilities:

(A) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues and any commission compact fee charged to licensees for the compact privilege;

(B) ensure compact administration services are appropriately provided, contractual or otherwise;

(C) prepare and recommend the budget;

(D) maintain financial records on behalf of the commission;

(E) monitor compact compliance of member states and provide compliance reports to the commission;

(F) establish additional committees as necessary; and

(G) other duties as provided in rules or bylaws.

(e) Meetings of the commission:

(1) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 9.

(2) The commission or the executive board or other committees of the commission may convene in a closed, non-public meeting, if the commission or executive board or other committees of the commission must discuss:

(A) Non-compliance of a member state with its obligations under the compact;

(B) the employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(C) current, threatened or reasonably anticipated litigation;

(D) negotiation of contracts for the purchase, lease or sale of goods, services or real estate;

(E) accusing any person of a crime or formally censuring any person;

(F) disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(G) disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(H) disclosure of investigative records compiled for law enforcement purposes;

(I) disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or

(J) matters specifically exempted from disclosure by federal or member state statute.

(3) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(4) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(f) Financing of the commission:

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials and services.

(3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

(g) Qualified immunity, defense and indemnification:

(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties or responsibilities, except that nothing in this paragraph shall be construed to protect any such person from suit or liability, or both, for any damage, loss, injury or liability

caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, except that nothing herein shall be construed to prohibit that person from retaining such person's own counsel and except that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, so long as the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

#### SECTION 8. DATA SYSTEM

(a) The commission shall provide for the development, maintenance and utilization of a coordinated database and reporting system containing licensure, adverse action and investigative information on all licensed individuals in member states.

(b) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

- (1) Identifying information;
- (2) licensure data;
- (3) adverse actions against a license or compact privilege;
- (4) non-confidential information related to alternative program participation;
- (5) any denial of application for licensure, and the reason for such denial; and
- (6) other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(c) Investigative information pertaining to a licensee in any member state will only be available to other party states.

(d) The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

(e) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(f) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

#### SECTION 9. RULEMAKING

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(d) Prior to promulgation and adoption of a final rule or rules by the commission, and at least 30 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission or other publicly accessible platform; and  
(2) on the website of each member state's physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(e) The notice of proposed rulemaking shall include:

(1) The proposed time, date and location of the meeting in which the rule will be considered and voted upon;

(2) the text of the proposed rule or amendment and the reason for the proposed rule;

(3) a request for comments on the proposed rule from any interested person; and

(4) the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(f) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

(g) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(1) At least 25 persons;

(2) a state or federal governmental subdivision or agency; or

(3) an association having at least 25 members.

(h) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

(1) All persons wishing to be heard at the hearing shall notify the executive director of the commission, or other designated member, in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) All hearings will be recorded. A copy of the recording will be made available on request.

(4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(j) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(k) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(l) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, so long as the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

- (1) Meet an imminent threat to public health, safety or welfare;
- (2) prevent a loss of commission or member state funds;
- (3) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
- (4) protect public health and safety.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

#### SECTION 10.

#### OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

##### (a) Oversight:

(1) The executive, legislative and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact that may affect the powers, responsibilities or actions of the commission.

(3) The commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

##### (b) Default, technical assistance and termination:

(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated

rules, the commission shall:

(A) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and any other action to be taken by the commission; and

(B) provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature and each of the member states.

(4) A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member state shall be awarded all costs of such litigation, including reasonable attorney fees.

(c) Dispute resolution:

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and non-member states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(d) Enforcement:

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

#### SECTION 11.

#### DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT

(a) The compact shall come into effect on the date on which the compact statute is enacted into law in the 10<sup>th</sup> member state. The provisions that become effective at that time shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(b) Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(c) Any member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this compact.

(e) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

#### SECTION 12.

##### CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

New Sec. 4. (a) As part of an original application for a license as a physical therapist or a certificate as a physical therapy assistant or as part of an original application for reinstatement of a license or certificate or in connection with any investigation of any holder of a license or certificate, the state board of healing arts may require a person to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of criminal history in this state or other jurisdiction. The state board of healing arts is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The state board of healing arts may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the person and in the official determination of the qualifications and

fitness of the person to be issued or to maintain a license or certificate.

(b) Local and state law enforcement officers and agencies shall assist the state board of healing arts in taking and processing of fingerprints of applicants for and holders of any license or certificate and shall release all records of adult convictions and nonconvictions and adult convictions or adjudications of another state or country to the state board of healing arts.

(c) The state board of healing arts may fix and collect a fee as may be required by the board in an amount necessary to reimburse the board for the cost of fingerprinting and the criminal history record check. Any moneys collected under this subsection shall be deposited in the state treasury and credited to the healing arts fee fund.

(d) This section shall be a part of and supplemental to the physical therapy practice act.

Sec. 5. K.S.A. 65-2912 is hereby amended to read as follows: 65-2912. (a) The board may refuse to grant a license to any physical therapist or a certificate to any physical therapist assistant, ~~or~~ may suspend or revoke the license or compact privilege of any licensed physical therapist or certificate or compact privilege of any certified physical therapist assistant, ~~or~~ may limit the license or compact privilege of any licensed physical therapist or certificate or compact privilege of any certified physical therapist assistant or may censure a licensed physical therapist or certified physical therapist assistant for any of the following grounds:

(1) Addiction to or distribution of intoxicating liquors or drugs for other than lawful purposes;

(2) conviction of a felony if the board determines, after investigation, that the physical therapist or physical therapist assistant has not been sufficiently rehabilitated to warrant the public trust;

(3) obtaining or attempting to obtain licensure or certification by fraud or deception;

(4) finding by a court of competent jurisdiction that the physical therapist or physical therapist assistant is a disabled person and has not thereafter been restored to legal capacity;

(5) unprofessional conduct as defined by rules and regulations adopted by the board;

(6) the treatment or attempt to treat ailments or other health conditions of human beings other than by physical therapy and as authorized by this act;

(7) failure to refer patients to other ~~health care~~ healthcare providers if symptoms are present for which physical therapy treatment is inadvisable or if symptoms indicate conditions for which treatment is outside the scope of knowledge of the licensed physical therapist;

(8) evaluating or treating patients in a manner not consistent with K.S.A. 65-2921, and amendments thereto; and

(9) knowingly submitting any misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement.

(b) All proceedings pursuant to article 29 of chapter 65 of the Kansas Statutes Annotated, and ~~acts amendatory of the provisions thereof or supplemental amendments~~ thereto, shall be conducted in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act.

Sec. 6. K.S.A. 65-2920 is hereby amended to read as follows: 65-2920. Professional liability insurance coverage shall be maintained in effect by each licensed physical therapist actively practicing in this state, including each physical therapist licensed in a home state and practicing in this state under the physical therapy licensure compact, as a condition to rendering professional services as a physical therapist in this state. The board shall fix by rules and regulations the minimum level of coverage for such professional liability insurance.

Sec. 7. K.S.A. 65-2923 is hereby amended to read as follows: 65-2923. (a) The board shall adopt rules and regulations establishing minimum education and training requirements for the practice of dry needling by a licensed physical therapist, including a physical therapist licensed in a home state and practicing in this state under the physical therapy licensure compact.

(b) This section shall be a part of and supplemental to the physical therapy practice act.;

Also on page 6, in line 5, by striking "75-5664 and 75-5665" and inserting "65-2912, 65-2920 and 65-2923"; in line 7, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 4; in line 5, by striking all before "amending" and inserting "the practice and licensing of health professions; relating to the enactment of compacts; enacting the psychology interjurisdictional compact; providing for the interjurisdictional authorization to practice telepsychology and temporary in-person, face-to-face psychology; enacting the physical therapy licensure compact; providing for interstate practice authority for physical therapy in compact states; authorizing criminal history record checks for physical therapist licensure;"; in line 6, by striking all before the second "and" and inserting "65-2912, 65-2920 and 65-2923";

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

BRENDA LANDWEHR

JOHN EPLEE

BRETT PARKER

*Conferees on part of House*

RICHARD HILDERBRAND

BEVERLY GOSSAGE

PAT PETTEY

*Conferees on part of Senate*

Senator Hilderbrand moved the Senate adopt the Conference Committee Report on **SB 170**.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **Sub SB 238** submits the following report:

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

On page 1, by striking all in lines 17 through 34;

By striking all on pages 2 through 34;

On page 35, by striking all in lines 1 through 10; following line 10, by inserting:

"New Section 1. (a) Any complaint, investigation, report, record or other information relating to a complaint or investigation that is received, obtained or maintained by the board shall be confidential and shall not be disclosed by the board or its employees in a manner that identifies or enables identification of the person who is the subject or source of the information, except the information may be disclosed:

(1) In any proceeding conducted by the board under the law or in an appeal of an order of the board entered in a proceeding, or to any party to a proceeding or appeal or the party's attorney;

(2) to the person who is the subject of the information or to any person or entity when requested by the person who is the subject of the information, but the board may require disclosure in such a manner that will prevent identification of any other person who is the subject or source of the information; or

(3) to a state or federal licensing, regulatory or enforcement agency with jurisdiction over the subject of the information or to an agency with jurisdiction over acts or conduct similar to acts or conduct that would constitute grounds for action under this act. Any confidential complaint or report, record or other information disclosed by the board as authorized by this section shall not be disclosed by the receiving agency except as otherwise authorized by law.

(b) Except as provided in subsection (a), no applicant, registrant or individual shall have access to any complaint, investigation, report, record or information concerning a complaint or investigation in progress until the investigation and any enforcement action is completed. This section shall not be construed to authorize the release of records, reports or other information that are subject to other specific state or federal laws concerning their disclosure.

(c) This section shall be a part of and supplemental to the pharmacy act of the state of Kansas.

New Sec. 2. (a) (1) As a condition of probation or other disciplinary action under K.S.A. 65-1627 or 65-1657, and amendments thereto, the board may require that a licensee or registrant be subject to additional compliance inspections or audits and pay the actual costs of such inspections and audits.

(2) If a licensee or registrant fails to comply with a board order regarding the costs of additional inspections and audits, the board may impose additional disciplinary action against the licensee or registrant for failure to comply with a lawful order of the board under K.S.A. 65-1627, and amendments thereto.

(b) Actual costs under this section include, but are not limited to:

- (1) Salaries and wages;
- (2) travel, mileage and lodging;
- (3) subsistence allowances;

- (4) document storage, shipping and handling; or
- (5) other expenses deemed reasonable and necessary by the board.
- (c) All moneys assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and deposited in the state treasury to the credit of the state board of pharmacy fee fund.
- (d) This section shall be a part of and supplemental to the pharmacy act of the state of Kansas.

New Sec. 3. (a) As used in this section:

(1) "Telepharmacy" means the practice of pharmacy by a pharmacist located in Kansas using telecommunications or other automations and technologies to deliver personalized, electronically documented, real-time pharmaceutical care to patients or their agents, who are located at sites other than where the pharmacist is located, including prescription dispensing and counseling and to oversee and supervise telepharmacy outlet operations.

(2) "Telepharmacy outlet" means a pharmacy site located in Kansas that:

- (A) Is registered as a pharmacy under the act;
- (B) is owned by the managing pharmacy;
- (C) is connected via computer link, video link and audio link or other functionally equivalent telecommunications equipment with a supervising pharmacy located in Kansas; and
- (D) has a pharmacy technician on site who performs activities under the electronic supervision of a pharmacist located in Kansas.

(b) A pharmacist shall be in attendance at the telepharmacy outlet by connecting to the telepharmacy outlet via computer link, video link and audio link or other functionally equivalent telecommunications equipment and shall be available to consult with and assist the pharmacy technician in performing activities.

(c) Not later than January 1, 2023, the board shall adopt rules and regulations necessary to specify additional criteria for a managing pharmacy and telepharmacy outlet under this section, including, but not limited to:

- (1) Application requirements;
- (2) structural, security, technology and equipment requirements;
- (3) staffing, training and electronic supervision requirements;
- (4) inventory record keeping and storage requirements;
- (5) labeling requirements;
- (6) establishment of policies and procedures;
- (7) the number of telepharmacy outlets that may be operated by a supervising pharmacy;
- (8) use of automated dispensing machines; and
- (9) criteria for requesting exemptions or waivers from the requirements set forth in rules and regulations adopted under this subsection.

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

New Sec. 4. (a) The board shall require an applicant for registration as a manufacturer or virtual manufacturer under K.S.A. 65-1643, and amendments thereto, or an applicant for renewal of such a registration, to provide the following information:

- (1) The name, full business address and telephone number of the applicant;

- (2) all trade or business names used by the applicant;
- (3) all addresses, telephone numbers and the names of contact individuals for all facilities used by the applicant for the storage, handling and distribution of prescription drugs or devices;
- (4) the type of ownership or operation of the applicant;
- (5) the name of the owner or operator of the applicant, including:
  - (A) If an individual, the name of the individual;
  - (B) if a partnership, the name of each partner and the name of the partnership;
  - (C) if a corporation, the name and title of each corporate officer and director of the corporation and the name of the state of incorporation; or
  - (D) if a sole proprietorship, the full name of the sole proprietor and the name of the business entity; and
- (6) any other information as the board deems appropriate.

Changes in any information in this subsection shall be submitted to the board in a form and manner prescribed by the board.

(b) In reviewing the qualifications for applicants for initial registration or renewal of registration as a manufacturer or virtual manufacturer, the board shall consider the following factors:

- (1) Any convictions of the applicant under any federal, state or local laws relating to drug samples, manufacture of drugs or devices, wholesale or retail drug distribution or distribution of controlled substances;
- (2) any felony convictions of the applicant under federal or state laws;
- (3) the applicant's past experience in the manufacture or distribution of prescription drugs including controlled substances;
- (4) the furnishing by the applicant of false or fraudulent material in any application made in connection with drug manufacturing or distribution;
- (5) discipline, censure, warning, suspension or revocation by federal, state or local government of any license or registration currently or previously held by the applicant for the manufacture or distribution of any drugs including controlled substances;
- (6) compliance with registration requirements under previously granted registrations, if any;
- (7) compliance with requirements to maintain or make available to the board or to the federal, state or local law enforcement officials those records required by the federal food, drug and cosmetic act, and rules and regulations adopted pursuant thereto; and
- (8) any other factors or qualifications deemed by the board to be relevant to and consistent with the public health and safety.

(c) After consideration of the qualifications for applicants for registration as a manufacturer or virtual manufacturer, the board may deny an initial application for registration or application for renewal of a registration if the board determines that the granting of such registration would not be in the public interest. The authority of the board under this subsection to deny a registration as a manufacturer or virtual manufacturer shall be in addition to the authority of the board under K.S.A. 65-1627(f) and 65-1645(e), and amendments thereto.

(d) The board by rules and regulations shall require that personnel employed by persons registered as a manufacturer or virtual manufacturer have appropriate education or experience to assume responsibility for positions related to compliance with state registration requirements.

(e) The board by rules and regulations may implement this section to conform to any requirements of the federal drug supply chain security act, 21 U.S.C. § 351 et seq., in effect on July 1, 2021.

(f) Each facility that manufactures drugs or devices shall undergo an inspection by the board or a third party recognized by the board prior to initial registration and periodically thereafter in accordance with a schedule to be determined by the board but not less than once every three years. The board shall adopt rules and regulations not later than July 1, 2022, to establish standards and requirements for the issuance and maintenance of a manufacturer and virtual manufacturer registration, including inspections.

(g) The board may register a manufacturer or virtual manufacturer that is licensed or registered under the laws of another state if:

(1) The requirements of that state are deemed by the board to be substantially equivalent to the requirements of this state; or

(2) the applicant is inspected by a third party recognized and approved by the board.

(h) The board by rule and regulation shall establish standards and requirements for the issuance and maintenance of a manufacturer and virtual manufacturer registration, including, but not limited to, requirements regarding the following:

- (1) An application and renewal fee;
- (2) a surety bond;
- (3) registration and periodic inspections;
- (4) certification of a designated representative;
- (5) designation of a registered agent;
- (6) storage of drugs and devices;
- (7) handling, transportation and shipment of drugs and devices;
- (8) security;
- (9) examination of drugs and devices and treatment of those found to be unacceptable as defined by the board;
- (10) due diligence regarding other trading partners;
- (11) creation and maintenance of records, including transaction records;
- (12) procedures for operation; and
- (13) procedures for compliance with the requirements of the federal drug supply chain security act, 21 U.S.C. § 351 et seq.

(i) This section shall be a part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 5. K.S.A. 65-636 is hereby amended to read as follows: 65-636. It shall be unlawful for any ~~person~~, individual who is not legally licensed as a pharmacist by the state board of pharmacy; or any ~~person~~ individual, firm or corporation who does not have in continuous employ, at each place of business, a pharmacist licensed by the state board of pharmacy, to take, use or exhibit the title "drugstore," "pharmacy" or "apothecary" or any combination of such titles, or any title or description of like import, or any other term designed to take the place of such title, if such title is being used in the context of health, medical or pharmaceutical care and the individual, firm or corporation has not provided a disclaimer sufficient to notify consumers that a pharmacist is not employed.

Sec. 6. K.S.A. 2020 Supp. 65-1626 is hereby amended to read as follows: 65-1626.

For the purposes of this act As used in the pharmacy act of the state of Kansas:

(a) "Address" means, with respect to prescriptions, the physical address where a patient resides, including street address, city and state.

(b) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

- (1) A practitioner or pursuant to the lawful direction of a practitioner;
- (2) the patient or research subject at the direction and in the presence of the practitioner; or
- (3) a pharmacist as authorized in K.S.A. 65-1635a or K.S.A.2020 Supp. 65-16,129, and amendments thereto.

~~(b)~~(c) "Agent" means an authorized person who acts on behalf of or at the direction of a—manufacturer, repackager, wholesale distributor, third-party logistics provider or dispenser but does not include a common carrier, public warehouseman or employee of the carrier or warehouseman when acting in the usual and lawful course of the carrier's or warehouseman's business.

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

(d) "Automated dispensing system" means a robotic or mechanical system controlled by a computer that: (1) Performs operations or activities, other than compounding or administration, relative to the storage, packaging, labeling, dispensing or distribution of drugs; (2) collects, controls and maintains all transaction information; and (3) operates in accordance with the board's rules and regulations.

(e) "Biological product" means the same as defined in 42 U.S.C. § 262(i), as in effect on January 1, 2017.

(f) "Board" means the state board of pharmacy created by K.S.A. 74-1603, and amendments thereto.

(g) "Brand exchange," in the case of a drug prescribed, means the dispensing of a different drug product of the same dosage form and strength and of the same generic name as the brand name drug product prescribed, and in the case of a biological product prescribed, means the dispensing of an interchangeable biological product.

(h) "Brand name" means the registered trademark name given to a drug product by its manufacturer, labeler or distributor.

(i) "Co-licensed partner" means a person or pharmaceutical manufacturer that has entered into an agreement with another pharmaceutical manufacturer or an affiliate of the manufacturer to engage in a business activity or occupation related to the manufacture or distribution of a product.

(j) "Common carrier" means any person who undertakes, whether directly or by any other arrangement, to transport property, including drugs, for compensation.

(k) (1) "Compounding" means the combining of components into a compounded preparation under either of the following conditions:

~~(1)~~(A) As the result of a practitioner's prescription drug order or initiative based on the practitioner-patient-pharmacist relationship in the course of professional practice to meet the specialized medical need of an individual patient of the practitioner that cannot be filled by an FDA-approved drug; or

~~(2)~~(B) for the purpose of, or incidental to, research, teaching or chemical analysis, and not for sale or dispensing.

(2) Compounding includes the preparation of drugs or devices in anticipation of receiving prescription drug orders based on routine, regularly observed prescribing patterns.

(3) Compounding does not include reconstituting any oral or topical mixed drug according to the FDA-approved labeling for the drug or preparing any sterile or nonsterile preparation that is essentially a copy of a commercially available product.

(l) "Current good manufacturing practices" or "CGMP" means the requirements for ensuring that drugs and drug products are consistently manufactured, repackaged, produced, stored and dispensed in accordance with 21 C.F.R. §§ 207, 210 and 211.

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

(n) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of any drug whether or not an agency relationship exists.

(o) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including a component part or accessory that:

(1) (A) Is recognized in the official national formulary, or the United States pharmacopoeia, or any supplement thereof;

(B) is intended for use in the diagnosis of disease or other conditions;

(C) is used for the cure, mitigation, treatment or prevention of disease in human or other animals; or

(D) is intended to affect the structure or any function of the body of human or other animals; and

(2) (A) does not achieve its primary intended purposes through chemical action within or on the body of human or other animals; and

(B) is not dependent upon being metabolized for the achievement of any of its primary intended purposes.

(p) "Direct supervision" means the process by which the responsible pharmacist shall observe and direct the activities of a pharmacy student pharmacist intern or pharmacy technician to a sufficient degree to assure that all such activities are performed accurately, safely and without risk or harm to patients, be readily and immediately available at all time activities are performed, provide personal assistance, direction and approval throughout the time the activities are performed and complete the final check before dispensing.

(q) "Dispense" or "dispensing" means to deliver prescription medication to the ultimate user or research subject by or pursuant to the lawful order of a practitioner or pursuant to the prescription of a mid-level practitioner, including, but not limited to, delivering prescription medication to a patient by mail, common carrier, personal delivery or third-party delivery to any location requested by the patient.

(r) "Dispenser" means:

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

(2) a retail pharmacy, hospital pharmacy or group of pharmacies under common ownership and control that do not act as a wholesale distributor, or affiliated warehouses or distribution centers of such entities under common ownership and control that do not act as a wholesale distributor.

(~~q~~)(s) "Distribute" or "distribution" means to deliver, offer to deliver, sell, offer to sell, purchase, trade, transfer, broker, give away, handle, store or receive, other than by administering or dispensing, any product, but does not include dispensing a product pursuant to a prescription executed in accordance with 21 U.S.C. § 353 or the dispensing of a product approved under 21 U.S.C. § 360b.

(~~r~~)(t) "Distributor" means a person or entity that distributes a drug or device.

(u) "Diversion" means the transfer of a controlled substance from a lawful to an unlawful channel of distribution or use.

(~~s~~)(v) "Drop shipment" means the sale, by a manufacturer, repackager or exclusive distributor, of the manufacturer's prescription drug to a wholesale distributor whereby the wholesale distributor takes title but not possession of such prescription drug and the wholesale distributor invoices the dispenser, and the dispenser receives delivery of the prescription drug directly from the manufacturer, repackager, third-party logistics provider or exclusive distributor, of such prescription drug.

(~~t~~)(w) "Drug" means: (1) Articles recognized in the official United States pharmacopeia, or other such official compendiums of the United States, or official national formulary, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of human or other animals; and (4) articles intended for use as a component of any articles specified in paragraph (1), (2) or (3); but does not include devices or their components, parts or accessories, except that the term "drug" shall not include amygdalin (laetrile) or any livestock remedy, if such livestock remedy had been registered in accordance with the provisions of article 5 of chapter 47 of the Kansas Statutes Annotated, prior to its repeal.

(~~u~~)(x) "Durable medical equipment" means equipment that: (1) Provides therapeutic benefits or enables an individual to perform certain tasks that the individual is unable to otherwise undertake due to certain medical conditions or illnesses; (2) is primarily and customarily used to serve a medical purpose; (3) generally is not useful to a person in the absence of an illness or injury; (4) can withstand repeated use; (5) is appropriate for use in the home, long-term care facility or medical care facility, but may be transported to other locations to allow the individual to complete instrumental activities of daily living that are more complex tasks required for independent living; and (6) may include devices and medical supplies or other similar equipment determined by the board in rules and regulations adopted by the board.

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

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

(~~x~~)(aa) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions that identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(~~y~~)(bb) "Electronic transmission" means the transmission of an electronic

prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

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

~~(aa)~~(dd) "Exclusive distributor" means the wholesale distributor that directly purchased the product from the manufacturer and is the sole distributor of that manufacturer's product to a subsequent repackager, wholesale distributor or dispenser.

~~(bb)~~(ce) "FDA" means the U.S. United States department of health and human services, food and drug administration.

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

~~(dd)~~(gg) "Generic name" means the established chemical name or official name of a drug or drug product.

~~(ee)~~(hh) "Health care entity" means any person that provides diagnostic, medical, surgical or dental treatment or rehabilitative care but does not include any retail pharmacy or wholesale distributor.

~~(ff)~~(ii) (1) "Institutional drug room" means any location where prescription-only drugs are stored and from which prescription-only drugs are administered or dispensed and that is maintained or operated for the purpose of providing the drug needs of:

- (A) Inmates of a jail or correctional institution or facility;
- (B) residents of a juvenile correctional facility or juvenile detention facility, as defined by the revised Kansas code for care of children and the revised Kansas juvenile justice code in K.S.A. 2020 Supp. 38-2302, and amendments thereto;

(C) students of a public or private university or college, a community college or any other institution of higher learning that is located in Kansas;

(D) employees of a business or other employer; or

(E) persons receiving inpatient hospice services.

(2) "Institutional drug room" does not include:

(A) Any registered pharmacy;

(B) any office of a practitioner; or

(C) a location where no prescription-only drugs are dispensed and no prescription-only drugs other than individual prescriptions are stored or administered.

~~(gg)~~(jj) "Interchangeable biological product" means a biological product that the FDA has:

~~(1) Licensed and determined meets identified in the "purple book: lists of licensed biological products with reference product exclusivity and biosimilarity or interchangeability evaluations" as meeting the standards for "interchangeability" as defined in 42 U.S.C. § 262(k), as in effect on January 1, 2017; or~~

~~(2) determined to be therapeutically equivalent as set forth in the latest edition or supplement to the FDA's approved drug products with therapeutic equivalence~~

evaluations:

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

~~(ii)~~~~(kk)~~ "Intracompany transaction" means any transaction or transfer between any division, subsidiary, parent or affiliated or related company under common ownership or control of a corporate entity, or any transaction or transfer between co-licensed partners.

~~(jj)~~~~(ll)~~ "Label" means a display of written, printed or graphic matter upon the immediate container of any drug.

~~(kk)~~~~(mm)~~ "Labeling" means the process of preparing and affixing a label to any drug container, exclusive of the labeling by a manufacturer, packer or distributor of a non-prescription drug or commercially packaged legend drug.

~~(H)~~~~(nn)~~ "Long-term care facility" means "nursing facility," as defined in K.S.A. 39-923, and amendments thereto.

~~(mm)~~~~(oo)~~ "Medical care facility" means the same as defined in K.S.A. 65-425, and amendments thereto, except that the term also includes ~~facilities licensed under the provisions of K.S.A. 2019 Supp. 39-2001 et seq., and amendments thereto, except community mental health centers and facilities for people with intellectual disability psychiatric hospitals and psychiatric residential treatment facilities as defined by K.S.A. 2020 Supp. 39-2002, and amendments thereto.~~

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

(1) A practitioner or a practitioner's authorized agent incident to such practitioner's administering or dispensing of a drug in the course of the practitioner's professional practice;

(2) a practitioner, by a practitioner's authorized agent or under a practitioner's supervision for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale; or

(3) a pharmacist or the pharmacist's authorized agent acting under the direct supervision of the pharmacist for the purpose of, or incident to, the dispensing of a drug by the pharmacist.

~~(oo)~~~~(qq)~~ "Manufacturer" means:

(1) A person that holds an application approved under section 505 of the federal food, drug and cosmetic act or a license issued under section 351 of the federal public health service act for such drug or, if such drug is not the subject of an approved application or license, the person who manufactured the drug;

(2) a co-licensed partner of the person described in paragraph (1) that obtains the drug directly from a person described in paragraph (1) or (3); or

(3) an affiliate of a person described in paragraph (1) or (2) that receives the product directly from a person described in paragraph (1) or (2).

~~(pp)~~~~(rr)~~ "Medication order" means ~~an order by a prescriber for a registered patient~~

of a Kansas licensed medical care facility a written or oral order by a prescriber or the prescriber's authorized agent for administration of a drug or device to a patient in a Kansas licensed medical care facility or in a Kansas licensed nursing facility or nursing facility for mental health, as such terms are defined by K.S.A. 39-923, and amendments thereto.

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

~~(rr)~~(tt) "Nonresident pharmacy" means a pharmacy located outside of Kansas.

~~(ss)~~(uu) "Outsourcing facility" ~~or "virtual outsourcing facility"~~ means a facility at one geographic location or address that is engaged in the compounding of sterile drugs and has registered with the FDA as an outsourcing facility pursuant to 21 U.S.C. § 353b.

~~(tt)~~(vv) "Person" means individual, corporation, government, governmental subdivision or agency, partnership, association or any other legal entity.

~~(uu)~~(ww) "Pharmacist" means any natural person licensed under this act to practice pharmacy.

~~(vv)~~(xx) "Pharmacist-in-charge" means the pharmacist who is responsible to the board for a registered establishment's compliance with the laws and regulations of this state pertaining to the practice of pharmacy, manufacturing of drugs and the distribution of drugs. The pharmacist-in-charge shall supervise such establishment on a full-time or a part-time basis and perform such other duties relating to supervision of a registered establishment as may be prescribed by the board by rules and regulations. Nothing in this definition shall relieve other pharmacists or persons from their responsibility to comply with state and federal laws and regulations.

~~(ww)~~(yy) "Pharmacist intern" or "intern" means: (1) A student currently enrolled in and in good standing with an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving an internship; or (3) a graduate of a pharmacy program located outside of the United States that is not accredited and who has successfully passed equivalency examinations approved by the board.

~~(xx)~~(zz) "Pharmacy," "drugstore" or "apothecary" means premises, laboratory, area or other place, including any electronic medium: (1) Where drugs are offered for sale where the profession of pharmacy is practiced and where prescriptions are compounded and dispensed; (2) that has displayed upon it or within it the words "pharmacist," "pharmaceutical chemist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "drug sundries" or any of these words or combinations of these words or words of similar import ~~either in English or in any language~~ or on any sign containing any of these words as used in the context of health, medical or pharmaceutical care or services; or (3) where the characteristic symbols of pharmacy or the characteristic prescription sign "Rx" may be exhibited in the context of health, medical or pharmaceutical care or services. As used in this subsection, premises refers only to the portion of any building or structure leased, used or controlled by the licensee in the conduct of the business

registered by the board at the address for which the registration was issued.

(yy)(aaa) "Pharmacy prescription application" means software that is used to process prescription information, ~~is and is either~~ installed on a pharmacy's computers or servers and is controlled by the pharmacy or is maintained on the servers of an entity that sells electronic pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(zz)(bbb) "Pharmacy technician" means an individual who, under the direct supervision and control of a pharmacist, may perform packaging, manipulative, repetitive or other nondiscretionary tasks related to the processing of a prescription or medication order and who assists the pharmacist in the performance of pharmacy-related duties, but who does not perform duties restricted to a pharmacist.

(aaa)(ccc) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist or scientific investigator or other person authorized by law to use a prescription-only drug in teaching or chemical analysis or to conduct research with respect to a prescription-only drug.

(bbb)(ddd) "Preceptor" means a licensed pharmacist who possesses at least two years' experience as a pharmacist and who supervises ~~students obtaining the pharmaceutical experience required by law as a condition to taking the examination for licensure as a pharmacist~~ and is responsible for the actions of pharmacist interns obtaining pharmaceutical experience.

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

(ddd)(fff) "Prescription" or "prescription order" means: ~~(1) An order to be filled by a pharmacist for prescription medication issued and signed by a prescriber in the authorized course of such prescriber's professional practice; or (2) an order transmitted to a pharmacist through word of mouth, note, telephone or other means of communication directed by such prescriber, regardless of whether the communication is oral, electronic, facsimile or in printed form~~ the front and back of a lawful written, electronic or facsimile order from a prescriber or an oral order from a prescriber or the prescriber's authorized agent that communicates the prescriber's instructions for a prescription drug or device to be dispensed.

(eee)(ggg) "Prescription medication" means any drug, including label and container according to context, that is dispensed pursuant to a prescription order.

(fff)(hhh) "Prescription-only drug" means any drug whether intended for use by human or animal, required by federal or state law, including 21 U.S.C. § 353, to be dispensed only pursuant to a written or oral prescription or order of a practitioner or is restricted to use by practitioners only.

(ggg)(iii) "Probation" means the practice or operation under a temporary license, registration or permit or a conditional license, registration or permit of a business or profession for which a license, registration or permit is granted by the board under the provisions of the pharmacy act of the state of Kansas requiring certain actions to be accomplished or certain actions not to occur before a regular license, registration or permit is issued.

(hhh)(jii) "Product" means the same as defined by part H of the federal drug supply chain security act, 21 U.S.C. § 351 et seq. and 21 U.S.C. § 360eee.

(iii)(III) "Professional incompetency" means:

- (1) One or more instances involving failure to adhere to the applicable standard of

pharmaceutical care to a degree that constitutes gross negligence, as determined by the board;

(2) repeated instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree that constitutes ordinary negligence, as determined by the board; or

(3) a pattern of pharmacy practice or other behavior that demonstrates a manifest incapacity or incompetence to practice pharmacy.

~~(jjj)(mmm)~~ "Readily retrievable" or "readily available" means that records kept in hard copy or by automatic data processing applications or other electronic or mechanized record-keeping systems can be separated out from all other records quickly and easily during an inspection or investigation, or within a reasonable time not to exceed 48 hours of a written request from the board or other authorized agent ~~or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.~~

~~(HH)(nnn)~~ "Repackage" means changing the container, wrapper, quantity or label of a drug to further the distribution of the drug.

~~(mmm)(ooo)~~ "Repackager" means a person who owns or operates a facility that repackages.

~~(nnn)(ppp)~~ "Retail dealer" means a person selling at retail nonprescription drugs that are repackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance; (2) a prescription-only drug; or (3) a drug intended for human use by hypodermic injection.

~~(ooo)~~ "Return" means ~~providing product to the authorized immediate trading partner from whom such product was purchased or received, or to a returns processor or reverse logistics provider for handling of such product.~~

~~(ppp)(qqq)~~ "Returns processor" or "reverse logistics provider" Reverse distributor means a person who owns or operates an establishment that disposes of or otherwise processes saleable or nonsaleable products received from an authorized trading partner such that the product may be processed for credit to the purchaser, manufacturer or seller or disposed of for no further distribution.

~~(qqq)(rrr)~~ "Secretary" means the executive secretary of the board.

~~(rrr)(sss)~~ "Third-party logistics provider" means an entity that provides or coordinates warehousing or other logistic services of a product in interstate commerce on behalf of a manufacturer, wholesale distributor or dispenser, but does not take ownership of the product or have responsibility to direct the sale or disposition of the product.

~~(sss)(ttt)~~ "Trading partner" means:

(1) A manufacturer, repackager, wholesale distributor or dispenser from whom a manufacturer, repackager, wholesale distributor or dispenser accepts direct ownership of a product or to whom a manufacturer, repackager, wholesale distributor or dispenser transfers direct ownership of a product; or

(2) a third-party logistics provider from whom a manufacturer, repackager, wholesale distributor or dispenser accepts direct possession of a product or to whom a manufacturer, repackager, wholesale distributor or dispenser transfers direct possession of a product.

~~(ttt)~~(uuu) "Transaction" means the transfer of product between persons in which a change of ownership occurs.

~~(uuu)~~(vvv) "Unprofessional conduct" means:

- (1) Fraud in securing a registration or permit;
- (2) intentional adulteration or mislabeling of any drug, medicine, chemical or poison;
- (3) causing any drug, medicine, chemical or poison to be adulterated or mislabeled, knowing the same to be adulterated or mislabeled;
- (4) intentionally falsifying or altering records or prescriptions;
- (5) unlawful possession of drugs and unlawful diversion of drugs to others;
- (6) willful betrayal of confidential information under K.S.A. 65-1654, and amendments thereto;
- (7) conduct likely to deceive, defraud or harm the public;
- (8) making a false or misleading statement regarding the licensee's professional practice or the efficacy or value of a drug;
- (9) commission of any act of sexual abuse, misconduct or exploitation related to the licensee's professional practice; or
- (10) performing unnecessary tests, examinations or services that have no legitimate pharmaceutical purpose.

~~(vvv)~~(www) "Vaccination protocol" means a written protocol, agreed to and signed by a pharmacist and a person licensed to practice medicine and surgery by the state board of healing arts, that establishes procedures and recordkeeping and reporting requirements for administering a vaccine by the pharmacist for a period of time specified therein, not to exceed two years.

~~(www)~~(xxx) "Valid prescription order" means a prescription that is issued for a legitimate medical purpose by an individual prescriber licensed by law to administer and prescribe drugs and acting in the usual course of such prescriber's professional practice. A prescription issued solely on the basis of an internet-based questionnaire or consultation without an appropriate prescriber-patient relationship is not a valid prescription order.

~~(xxx)~~(yyy) "Veterinary medical teaching hospital pharmacy" means any location where prescription-only drugs are stored as part of an accredited college of veterinary medicine and from which prescription-only drugs are distributed for use in treatment of or administration to a nonhuman.

~~(zzz)~~ "Virtual manufacturer" means an entity that engages in the manufacture of a drug or device for which it:

(1) Owns the new drug application or abbreviated new drug application number, if a prescription drug;

(2) owns the unique device identification number, as available, for a prescription device;

(3) contracts with a contract manufacturing organization for the physical manufacture of the drug or device;

(4) is not involved in the physical manufacture of the drug or device; and

(5) does not store or take physical possession of the drug or device.

~~(aaa)~~ "Virtual wholesale distributor" means a wholesale distributor that sells, brokers or transfers a drug or device but never physically possesses the product.

~~(yyy)~~(bbbb) "Wholesale distributor" means any person engaged in wholesale

distribution or reverse distribution of ~~prescription~~ drugs or devices, other than a manufacturer, co-licensed partner, or third-party logistics provider ~~or repackager~~.

~~(zzz)(cccc)~~ "Wholesale distribution" means the distribution or receipt of prescription drugs or devices to or by persons other than consumers or patients, in which a change of ownership occurs. "Wholesale distribution" does not include:

- (1) The dispensing of a prescription drug or device pursuant to a prescription;
- (2) the distribution of a prescription drug or device or an offer to distribute a prescription drug or device for emergency medical reasons, including a public health emergency declaration pursuant to section 319 of the public health service act, except that, for purposes of this paragraph, a drug or device shortage not caused by a public health emergency shall not constitute an emergency medical reason;
- (3) intracompany distribution ~~of any drug between members of an affiliate or within a manufacturer~~;
- (4) the distribution of a prescription drug or device, or an offer to distribute a prescription drug or device, among hospitals or other health care entities under common control;
- (5) the distribution of a prescription drug or device, or the offer to distribute a prescription drug or device, by a charitable organization described in ~~503~~ section 501(c)
- (3) of the internal revenue code of ~~1954~~ 1986 to a nonprofit affiliate of the organization to the extent otherwise permitted by law;
- (6) ~~the purchase or other acquisition by a dispenser, hospital or other health care entity for use by such dispenser, hospital or other health care entity;~~
- (7) ~~the distribution of a drug by the manufacturer of such drug;~~
- (8) ~~the receipt or transfer of a drug by an authorized third-party logistics provider, provided that such third-party logistics provider does not take ownership of the drug;~~
- (9) ~~the transport of a drug by a common carrier, provided that the common carrier does not take ownership of the drug;~~
- (10) ~~the distribution of a drug or an offer to distribute a drug by an authorized repackager that has taken ownership or possession of the drug and repacks it in accordance with section 582(e) of the federal food, drug and cosmetic act;~~
- (11) ~~saleable drug returns when conducted by a dispenser;~~
- (12) ~~the distribution of minimal quantities of drugs by licensed retail pharmacies to licensed practitioners for office use;~~
- (13) ~~the distribution of a collection of finished medical devices, including a product or biological product in accordance with 21 U.S.C. § 353(e)(4)(M);~~
- (14) ~~the distribution of an intravenous drug that, by its formulation, is intended for the replenishment of fluids and electrolytes, including sodium, chloride and potassium, or calories, including dextrose and amino acids;~~
- (15) the distribution of an intravenous drug used to maintain the equilibrium of water and minerals in the body, such as dialysis solutions; or
- (16) ~~the distribution of a drug that is intended for irrigation, or sterile water, whether intended for such purposes or for injection;~~
- (17) ~~the distribution of medical gas;~~
- (18) ~~facilitating the distribution of a product by providing solely administrative services, including processing of orders and payments;~~
- (19) ~~the transfer of a product by a hospital or other health care entity, or by a wholesale distributor or manufacturer operating under the direction of a hospital or~~

other health care entity, to a repackager described in section 581(16)(B) and registered under section 510 of the food, drug and cosmetic act for the purpose of repackaging the drug for use by that hospital or other health care entity, or other health care entities under common control, if ownership of the drug remains with the hospital or other health care entity at all times; or

(20)(7) the sale or transfer from a retail pharmacy of expired, damaged, returned or recalled prescription drugs to the original manufacturer, originating wholesale distributor or to a ~~third party returns processor~~ reverse distributor registered in accordance with the board's rules and regulations.

Sec. 7. K.S.A. 65-1627 is hereby amended to read as follows: 65-1627. (a) The board may ~~deny an application or renewal, limit, condition,~~ revoke, suspend, or place in a probationary status or ~~deny an application or renewal of any~~ the license of any pharmacist upon a finding that:

(1) The licensee has obtained, renewed or reinstated, or attempted to obtain, renew or reinstate, a license by false or fraudulent means, including misrepresentation of a material fact;

(2) the licensee has been convicted of a misdemeanor involving moral turpitude or gross immorality or any felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust;

(3) the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency;

(4) the licensee is addicted to the liquor or drug habit to such a degree as to render the licensee unfit to practice the profession of pharmacy;

(5) the licensee has violated a provision of the federal or state food, drug and cosmetic act, the federal or state uniform controlled substances act ~~of the state of Kansas~~, or any rule and regulation adopted under any such act;

(6) the licensee is found by the board to have filled a prescription not in strict accordance with the directions of the practitioner or a mid-level practitioner;

(7) the licensee is found to be mentally or physically incapacitated to such a degree as to render the licensee unfit to practice the profession of pharmacy;

(8) the licensee has violated any of the provisions of the pharmacy act of the state of Kansas or any rule and regulation adopted by the board pursuant to the provisions of such pharmacy act;

(9) the licensee has failed to comply with the continuing education requirements of the board for license renewal;

(10) the licensee as a ~~pharmacist in charge~~ "pharmacist-in-charge" or consultant pharmacist under the provisions of K.S.A. 65-1648(c) or (d), and amendments thereto, has failed to comply with the requirements of K.S.A. 65-1648(c) or (d), and amendments thereto;

(11) the licensee has knowingly submitted a misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement;

(12) the licensee has had a license to practice pharmacy revoked, suspended or limited, has been censured or has had other disciplinary action taken, or voluntarily surrendered the license after formal proceedings have been commenced, or has had an application for license denied, by the proper licensing authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof;

(13) the licensee has self-administered any controlled substance without a practitioner's prescription order or a mid-level practitioner's prescription order;~~or~~

(14) the licensee has assisted suicide in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2019 Supp. 21-5407, and amendments thereto, as established by any of the following:

(A) A copy of the record of criminal conviction or plea of guilty for a felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2019 Supp. 21-5407, and amendments thereto;

(B) a copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. 60-4404, and amendments thereto;~~or~~

(C) a copy of the record of a judgment assessing damages under K.S.A. 60-4405, and amendments thereto;

(15) the licensee has failed to furnish the board, its investigators or its representatives any information legally requested by the board;

(16) the licensee has violated or failed to comply with any lawful order or directive of the board;~~or~~

(17) the licensee has violated any of the provisions of the prescription monitoring program act of the state of Kansas or any rule and regulation of the board pursuant to the provisions of the prescription monitoring program act;~~or~~

(18) the licensee has failed to keep, has failed to file with the board or has falsified records required to be kept or filed by the provisions of the pharmacy act of the state of Kansas, the federal or state uniform controlled substances act or rules and regulations adopted by the board.

(b) In determining whether or not the licensee has violated subsection (a)(3), (a)(4), (a)(7) or (a)(13), the board upon reasonable suspicion of such violation has authority to compel a licensee to submit to mental or physical examination or drug screen, or any combination thereof, by such persons as the board may designate. To determine whether reasonable suspicion of such violation exists, the investigative information shall be presented to the board as a whole. Information submitted to the board as a whole and all reports, findings and other records shall be confidential and not subject to discovery by or release to any person or entity. The licensee shall submit to the board a release of information authorizing the board to obtain a report of such examination or drug screen, or both. A person affected by this subsection shall be offered, at reasonable intervals, an opportunity to demonstrate that such person can resume the competent practice of pharmacy with reasonable skill and safety to patients. For the purpose of this subsection, every person licensed to practice pharmacy and who shall accept the privilege to practice pharmacy in this state by so practicing or by the making and filing of a renewal application to practice pharmacy in this state shall be deemed to have consented to submit to a mental or physical examination or a drug screen, or any combination thereof, when directed in writing by the board and further to have waived all objections to the admissibility of the testimony, drug screen or examination report of the person conducting such examination or drug screen, or both, at any proceeding or hearing before the board on the ground that such testimony or examination or drug screen report constitutes a privileged communication. In any proceeding by the board pursuant to the provisions of this subsection, the record of such board proceedings involving the mental and physical examination or drug screen, or any combination thereof, shall not be used in any other administrative or judicial proceeding.

(c) The board may temporarily suspend or temporarily limit the license of any licensee in accordance with the emergency adjudicative proceedings under the Kansas administrative procedure act if the board determines that there is cause to believe that grounds exist for disciplinary action under subsection (a) against the licensee and that the licensee's continuation in practice would constitute an imminent danger to the public health and safety.

(d) The board may suspend, revoke, place in a probationary status or deny ~~a~~ an application or renewal of any retail dealer's permit issued by the board when information in possession of the board discloses that such operations for which the permit was or may be issued are not being conducted according to law or the rules and regulations of the board. When the board determines that action under this subsection requires the immediate protection of the public interest, the board shall conduct an emergency proceeding in accordance with K.S.A. 77-536, and amendments thereto, under the Kansas administrative procedure act.

(e) The board may deny an application or renewal, limit, condition, revoke, suspend, or place in a probationary status ~~or deny a renewal of~~ the registration of ~~a~~ any pharmacy upon a finding that:

(1) Such pharmacy has been operated in such manner that violations of the provisions of the pharmacy act of the state of Kansas or of the rules and regulations of the board have occurred in connection therewith;

(2) the owner, pharmacy or any pharmacist employed at such pharmacy is convicted, subsequent to such owner's acquisition of or such employee's employment at such pharmacy, of a violation of the pharmacy act ~~or uniform controlled substances act~~ of the state of Kansas, the federal or state uniform controlled substances act or the federal or state food, drug and cosmetic act;

(3) the owner, pharmacy or any pharmacist employed by such pharmacy has fraudulently claimed money for pharmaceutical services; ~~or~~

(4) the registrant has had a registration revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for registration denied, by the proper registering authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof. When the board determines that action under this subsection requires the immediate protection of the public interest, the board shall conduct an emergency proceeding in accordance with K.S.A. 77-536, and amendments thereto, under the Kansas administrative procedure act;

(5) the registrant has obtained, renewed or attempted to obtain or renew a registration by false or fraudulent means, including misrepresentation of a material fact or falsification of any application;

(6) the registrant has refused to permit the board or its duly authorized agents to inspect the registrant's establishment in accordance with the provisions of the pharmacy act of the state of Kansas, federal or state uniform controlled substances act or the federal or state food, drug and cosmetic act;

(7) the registrant has failed to keep, has failed to file with the board or has falsified records required to be kept or filed by the provisions of the pharmacy act of the state of Kansas, the federal or state uniform controlled substances act or rules and regulations, adopted by the board;

(8) such pharmacy has been operated in such manner that violations of the

provisions of the federal or state food, drug and cosmetic act, the federal or state uniform controlled substances act, or any rule and regulation adopted under any such act have occurred in connection therewith;

(9) such pharmacy has been operated in such manner that the violations of the provisions of the prescription monitoring program act of the state of Kansas or any rule and regulation of the board have occurred in connection therewith;

(10) the registrant has failed to furnish the board, its investigators or its representatives any information legally requested by the board; or

(11) the registrant has violated or failed to comply with any lawful order or directive of the board.

(f) A registration to manufacture or repackage drugs or devices, to operate as a wholesale distributor, ~~to sell durable medical equipment or to operate as a third-party logistics provider, outsourcing facility, institutional drug room or automated dispensing system, or to sell durable medical equipment~~, or a registration for the place of business where any such operation is conducted, may be limited, conditioned, suspended, revoked, or placed in a probationary status or the application for or renewal of such registration may be denied by the board upon a finding that the registrant or the registrant's agent:

(1) Has materially falsified any application filed pursuant to or required by the pharmacy act of the state of Kansas obtained, renewed or attempted to obtain or renew a registration by false or fraudulent means, including misrepresentation of a material fact or falsification of any application;

(2) has been convicted of a felony under any federal or state law relating to the manufacture, compounding, dispensing or distribution of drugs or devices;

(3) has had any federal registration for the manufacture, compounding, dispensing or distribution of drugs or devices suspended, limited, denied, disciplined, censured or revoked;

(4) has refused to permit the board or its duly authorized agents to inspect the registrant's establishment in accordance with the provisions of K.S.A. 65-1629, and amendments thereto the pharmacy act of the state of Kansas, the federal or state uniform controlled substances act or the federal or state food, drug and cosmetic act;

(5) has failed to keep, has failed to file with the board or has falsified records required to be kept or filed by the provisions of the pharmacy act of the state of Kansas or by the board's rules and regulations; or, the federal or state uniform controlled substances act or rules and regulations adopted by the board;

(6) has violated the pharmacy act of the state of Kansas or rules and regulations adopted by the state board of pharmacy under the pharmacy act of the state of Kansas, has violated the uniform controlled substances act or rules and regulations adopted by the state board of pharmacy under the uniform controlled substances act, has violated the federal uniform controlled substances act, has violated the federal or state food, drug and cosmetic act or any rules and regulations adopted under any such act, or has violated a provision of the federal drug supply chain security act or any rule or regulation adopted under such act. When the board determines that action under this subsection requires the immediate protection of the public interest, the board shall conduct an emergency proceeding in accordance with K.S.A. 77-536, and amendments thereto, under the Kansas administrative procedure act;

(7) the registrant has had a registration revoked, suspended or limited, has been

censured or has had other disciplinary action taken, or an application for registration denied, by the proper registering authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof. When the board determines that action under this subsection requires the immediate protection of the public interest, the board shall conduct an emergency proceeding in accordance with K.S.A. 77-536, and amendments thereto, under the Kansas administrative procedure act;

(8) has failed to furnish the board, its investigators or its representatives any information legally requested by the board; or

(9) the registrant has violated or failed to comply with any lawful order or directive of the board.

(g) Orders under this section, and proceedings thereon, shall be subject to the provisions of the Kansas administrative procedure act.

Sec. 8. K.S.A. 65-1631 is hereby amended to read as follows: 65-1631. (a) It shall be unlawful for any ~~person individual~~ to practice as a pharmacist in this state unless such ~~person individual~~ is licensed by the board as a pharmacist. Except as otherwise provided in subsection (d), every applicant for licensure as a pharmacist shall be at least 18 years of age, shall be a graduate of a school or college of pharmacy or department of a university recognized and approved by the board, shall file proof satisfactory to the board, substantiated by proper affidavits, of a minimum of one year of pharmaceutical experience, acceptable to the board, under the supervision of a preceptor and shall pass an examination approved by the board. Pharmaceutical experience as required in this section shall be under the supervision of a preceptor and shall be predominantly related to the dispensing of prescription medication, compounding prescriptions, preparing pharmaceutical preparations and keeping records and making reports required under state and federal statutes. A school or college of pharmacy or department of a university recognized and approved by the board under this subsection~~(a)~~ shall have a standard of education not below that of the university of Kansas school of pharmacy. The board shall adopt rules and regulations establishing the criteria~~which that~~ a school or college of pharmacy or department of a university shall satisfy in meeting the standard of education established under this subsection~~(a)~~.

(b) All applications for licensure by examination shall be made on a form to be prescribed and furnished by the board. Each application for a new license by examination shall be accompanied by a license fee fixed by the board as provided in K.S.A. 65-1645, and amendments thereto.

(c) The board is authorized to adopt rules and regulations relating to the ~~grades which score that~~ an applicant must receive in order to pass the ~~examination examinations~~ required for licensure. The board shall only accept a passing score on an examination required for licensure from an applicant's first five attempts taking such examination.

(d) Notwithstanding the preceding provisions of this section, the board may in its discretion license as a pharmacist, without examination, any ~~person individual~~ who is duly registered or licensed by examination in some other state, except that the board may require that such ~~person individual~~ take the ~~law examination multi-state jurisprudence examination~~ approved by the board. The board is authorized to adopt rules and regulations relating to the score that such individual shall be required to receive in order to pass the multi-state jurisprudence examination. The board shall only

accept a passing score on an examination required for licensure from an applicant's first five attempts taking such examination. Such ~~person~~ individual shall file proof satisfactory to the board of having the education and training required of applicants for licensure under the provisions of the pharmacy act of this state. ~~Persons~~ Individuals who are registered or licensed as pharmacists by examination in other states shall be required to satisfy only the requirements ~~which that~~ existed in this state at the time they become registered or licensed in such other states. The provisions of this subsection shall apply only if the state in which the ~~person~~ individual is registered or licensed grants, under like conditions, reciprocal registrations or licenses as pharmacists, without examination, to pharmacists duly licensed by examination in this state. Reciprocal licensure shall not be denied to any applicant otherwise qualified for reciprocal licensure under this section who has met the internship requirements of the state from which the applicant is reciprocating or who has at least one year of practice as a licensed pharmacist. A reciprocal licensure may be denied for any of the reasons set forth in ~~subsections (a)(1) through (a)(13)~~ of K.S.A. 65-1627 (a)(1) through (a)(13), and amendments thereto.

(e) In the event that an applicant for reciprocal licensure has not been subject to laws requiring continuing education as a condition for renewal of a registration or license, such applicant shall be required to satisfy the board through a competency examination that the applicant has the knowledge and ability to meet Kansas standards for licensure as a pharmacist.

~~(f) No applicant who has taken the examination for licensure approved by the board and has failed to complete it successfully shall be considered for licensure by reciprocity within one year from the date such applicant sat for the examination.~~

~~(g)~~ All applicants for reciprocal licensure shall file their applications on a form to be prescribed and furnished by the board and such application shall be accompanied by a reciprocal licensure fee fixed by the board as provided in K.S.A. 65-1645<sub>2</sub> and amendments thereto. The reciprocal licensure fee established by this section immediately prior to the effective date of this act shall continue in effect until a different reciprocal licensure fee is fixed by the board by rules and regulations as provided in K.S.A. 65-1645<sub>2</sub> and amendments thereto.

~~(h)~~ (g) The board shall take into consideration any felony conviction of such ~~person~~ individual, but such conviction shall not automatically operate as a bar to licensure.

~~(i)~~ (h) All applicants for licensure who graduate from a school or college of pharmacy outside the United States or who graduate from a school or college of pharmacy not approved by the board shall submit information to the board, as specified by rules and regulations, and this information shall be accompanied by an evaluation fee fixed by the board as provided in K.S.A. 65-1645<sub>2</sub> and amendments thereto, ~~which evaluation fee that~~ shall be in addition to any other fee paid by the applicant under the pharmacy act of the state of Kansas. The evaluation fee fixed by the board under this section immediately prior to the effective date of this act shall continue in effect until a different evaluation fee is fixed by the board by rules and regulations as provided in K.S.A. 65-1645<sub>2</sub> and amendments thereto. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about such schools or colleges of pharmacy. In entering such contracts the authority to approve schools or colleges of pharmacy shall remain solely with the board.

~~(j)~~ (i) All applicants for licensure who graduate from a school or college of

pharmacy outside the United States or who are not citizens of the United States shall provide proof to the board that the applicant has a reasonable ability to communicate with the general public in English. The board may require such applicant to take the test of English as a foreign language and to attain the grade for passing such test as established by the board by rules and regulations.

(k)(j) Every registered pharmacist holding a valid registration as a pharmacist in effect on the day preceding the effective date of this act shall be deemed to be a licensed pharmacist under this act, and such ~~person~~ individual shall not be required to file an original application hereunder for a license.

Sec. 9. K.S.A. 65-1637 is hereby amended to read as follows: 65-1637. (a) The pharmacist shall exercise professional judgment regarding the accuracy, validity and authenticity of any prescription order consistent with federal and state laws and rules and regulations. Except as provided in K.S.A. 65-1635(e), and amendments thereto, and as may otherwise be provided by law, a pharmacist shall not dispense a prescription drug if the pharmacist, in the exercise of professional judgment, determines that the prescription is not a valid prescription order.

(b) The prescriber may authorize an agent to transmit to the pharmacy a prescription order orally, by facsimile transmission or by electronic transmission, provided that the first and last names of the transmitting agent are included in the order.

(c) (1) A new written or electronically prepared and transmitted prescription order shall be manually or electronically signed by the prescriber. If transmitted by the prescriber's agent, the first and last names of the transmitting agent shall be included in the order.

(2) If the prescription is for a controlled substance and is written or printed from an electronic prescription application, the prescription shall be manually signed by the prescriber prior to delivery of the prescription to the patient or prior to facsimile transmission of the prescription to the pharmacy.

(3) An electronically prepared prescription shall not be electronically transmitted to the pharmacy if the prescription has been printed prior to electronic transmission. An electronically prepared and transmitted prescription that is printed following electronic transmission shall be clearly labeled as a copy, not valid for dispensing.

(4) The board is hereby authorized to conduct pilot projects related to any new technology implementation when deemed necessary and practicable, except that no state moneys shall be expended for such purpose.

(d) An authorization to refill a prescription order or to renew or continue an existing drug therapy may be transmitted to a pharmacist through oral communication, in writing, by facsimile transmission or by electronic transmission initiated by or directed by the prescriber.

(1) If the transmission is completed by the prescriber's agent, and the first and last names of the transmitting agent are included in the order, the prescriber's signature is not required on the fax or alternate electronic transmission.

(2) If the refill order or renewal order differs in any manner from the original order, such as a change of the drug strength, dosage form or directions for use, the prescriber shall sign the order as provided by subsection (c)(1).

(e) Regardless of the means of transmission to a pharmacy, ~~only~~ a pharmacist or a pharmacist intern shall be authorized to receive a new prescription order or a refill or renewal order from a prescriber or transmitting agent. ~~A pharmacist, a pharmacist intern~~

~~or a~~ registered pharmacy technician may receive a refill ~~or, renewal or order for~~ continuation of therapy that contains no changes from the original prescription from a prescriber or transmitting agent if such registered pharmacy technician's supervising pharmacist has authorized that function.

(f) A refill is one or more dispensings of a prescription drug or device that results in the patient's receipt of the quantity authorized by the prescriber for a single fill as indicated on the prescription order.

A prescription for a schedule III, IV or V controlled substance may authorize no more than five refills within six months following the date on which the prescription is issued.

(g) All prescriptions shall be filled or refilled in strict conformity with any directions of the prescriber, except that:

(1) A pharmacist who receives a prescription order for a brand name drug product, ~~excluding a biological product,~~ may exercise brand exchange with a view toward achieving a lesser cost to the purchaser unless:

~~(A) The prescriber, in the case of a prescription electronically signed by the prescriber, includes the statement~~ indicates "dispense as written" on the prescription or when communicating a prescription by oral order;

~~(B) the prescriber, in the case of a written prescription signed by the prescriber, writes in the prescriber's own handwriting "dispense as written" on the prescription;~~

~~(C) the prescriber, in the case of a prescription other than one in writing signed by the prescriber, expressly indicates the prescription is to be dispensed as communicated~~ the FDA has determined that a biological product is not an interchangeable biological product for the prescribed biological product; or

~~(D)(C) the federal food and drug administration~~ FDA has determined that a drug product of the same generic name is not bioequivalent to the prescribed brand name prescription medication;

(2) a pharmacist may provide up to a three-month supply of a prescription drug that is not a controlled substance or psychotherapeutic drug when a practitioner has written a drug order to be filled with a smaller supply but included sufficient numbers of refills for a three-month supply; or

(3) ~~a pharmacist who receives a prescription order for a biological product may exercise brand exchange with a view toward achieving a lesser cost to the purchaser unless:~~

~~(A) The prescriber, in the case of a prescription signed by a prescriber and written on a blank form containing two signature lines, signs the signature line following the statement "dispense as written";~~

~~(B) the prescriber, in the case of a prescription signed by the prescriber, writes in the prescriber's own handwriting "dispense as written" on the prescription;~~

~~(C) the prescriber, in the case of a prescription other than the one in writing signed by the prescriber, expressly indicates the prescription is to be dispensed as communicated; or~~

~~(D) the biological product is not an interchangeable biological product for the prescribed biological product~~ except for a prescription for a controlled substance, a pharmacist may use professional judgment to make the following adaptations to a prescription order if a patient consents, the prescriber has not indicated "dispense as written" on the prescription, the pharmacist documents the adaptation on the patient's

prescription record and the pharmacist notifies the prescriber:

- (A) Change the prescribed quantity if:
  - (i) The prescribed quantity or package size is not commercially available;
  - (ii) the change in quantity is related to a change in dosage form; or
  - (iii) the change extends a maintenance drug for the limited quantity necessary to coordinate a patient's refills in a medication synchronization program;
- (B) change the prescribed dosage form, strength or directions for use if it is in the best interest of the patient and the change achieves the intent of the prescriber; or
- (C) complete missing information on the prescription order if there is evidence to support the change.

(h) A pharmacist who selects an interchangeable biological product shall inform the patient or the patient's representative that an interchangeable biological product has been substituted for the prescribed biological product.

(i) If a prescription order contains a statement that during any particular time the prescription may be refilled at will, there shall be no limitation as to the number of times that such prescription may be refilled, except that it may not be refilled after the expiration of the time specified or one year after the prescription was originally issued, whichever occurs first.

(j) Prescription orders shall be recorded in writing by the pharmacist and the record so made by the pharmacist shall constitute the original prescription to be dispensed by the pharmacist. This record, if telephoned by other than the prescriber, shall bear the full name of the ~~person~~ individual so telephoning. Nothing in this section shall be construed as altering or affecting in any way laws of this state or any federal act requiring a written prescription order.

(k) (1) Except as provided in paragraph (2), no prescription shall be refilled unless authorized by the prescriber either in the original prescription or by oral order that is reduced promptly to writing and filled by the pharmacist.

(2) A pharmacist may refill a prescription order issued on or after the effective date of this act for any prescription drug, except a drug listed on schedule II of the uniform controlled substances act or a narcotic drug listed on any schedule of the uniform controlled substances act, without the prescriber's authorization when all reasonable efforts to contact the prescriber have failed and when, in the pharmacist's professional judgment, continuation of the medication is necessary for the patient's health, safety and welfare. Such prescription refill shall only be in an amount judged by the pharmacist to be sufficient to maintain the patient until the prescriber can be contacted, but in no event shall a refill under this paragraph be more than a ~~seven-day~~ 30-day supply or one package of the drug. However, if the prescriber states on a prescription that there shall be no emergency refilling of that prescription, then the pharmacist shall not dispense any emergency medication pursuant to that prescription. A pharmacist who refills a prescription order under this paragraph shall contact the prescriber of the prescription order on the next business day subsequent to the refill or as soon thereafter as possible. No pharmacist shall be required to refill any prescription order under this paragraph. A prescriber shall not be subject to liability for any damages resulting from the refilling of a prescription order by a pharmacist under this paragraph unless such damages are occasioned by the gross negligence or willful or wanton acts or omissions by the prescriber.

(l) If any prescription order contains a provision that the prescription may be

refilled a specific number of times within or during any particular period, such prescription shall not be refilled except in strict conformity with such requirements.

(m) Any pharmacist who exercises brand exchange and dispenses a less expensive drug product shall not charge the purchaser more than the regular and customary retail price for the dispensed drug.

(n) Except as provided in K.S.A. 65-1635(e), and amendments thereto, and as may otherwise be provided by law, nothing contained in this section shall be construed as preventing a pharmacist from refusing to fill or refill any prescription if, in the pharmacist's professional judgment and discretion, such pharmacist is of the opinion that it should not be filled or refilled.

(o) Within five business days following the dispensing of a biological product, the dispensing pharmacist or the pharmacist's designee shall make an entry of the specific product provided to the patient, including the name of the product and the manufacturer. The communication shall be conveyed by making an entry that is electronically accessible to the prescriber through:

- (1) An ~~inter-operable~~ interoperable electronic medical records system;
- (2) an electronic prescribing technology;
- (3) a pharmacy benefits management system; or
- (4) a pharmacy record.

(p) Entry into an electronic records system as described in subsection (o) shall be presumed to provide notice to the prescriber. Otherwise, the pharmacist shall communicate the biological product dispensed to the prescriber using facsimile, telephone, electronic transmission or other prevailing means, provided that communication shall not be required where:

- (1) There is no FDA-approved interchangeable biological product for the product prescribed; or
- (2) a refill prescription is not changed from the product dispensed on the prior filling of the prescription.

(q) A pharmacist shall maintain a record of any biological product dispensed for at least five years.

(r) The board shall maintain a link on its website to the current lists of all biological products that the FDA has determined to be interchangeable biological products.

Sec. 10. K.S.A. 65-1643 is hereby amended to read as follows: 65-1643. It shall be unlawful:

(a) For any person to operate, maintain, open or establish any pharmacy within this state without first having obtained a registration from the board. Each application for registration of a pharmacy shall indicate the person or persons desiring the registration, including the ~~pharmacist in charge~~ pharmacist-in-charge, as well as the location, including the street name and number, and such other information as may be required by the board to establish the identity and exact location of the pharmacy. The issuance of a registration for any pharmacy shall also have the effect of permitting such pharmacy to operate as a retail dealer without requiring such pharmacy to obtain a retail dealer's permit. On evidence satisfactory to the board: (1) That the pharmacy for which the registration is sought will be conducted in full compliance with the law and the rules and regulations of the board; (2) that the location and appointments of the pharmacy are such that it can be operated and maintained without endangering the public health or safety; and (3) that the pharmacy will be under the supervision of a pharmacist, a

registration shall be issued to such persons as the board shall deem qualified to conduct such a pharmacy.

(b) For any person to violate the federal drug supply chain security act, 21 U.S.C. § 351 et seq.

(c) For any person to distribute at wholesale any drugs or devices without first obtaining a registration as a wholesale distributor from the board.

(d) For any person to operate as a third-party logistics provider within this state without having first obtained a registration from the board.

(e) For any person to in any manner distribute or dispense samples of any drugs or devices without first having obtained a permit from the board so to do, and it shall be necessary to obtain permission from the board in every instance where the samples are to be distributed or dispensed. Nothing in this subsection shall be held to regulate or in any manner interfere with the furnishing of samples of drugs to duly licensed practitioners, to mid-level practitioners, to pharmacists or to medical care facilities.

(f) Except as otherwise provided in this subsection, for any person operating a store or place of business to sell, offer for sale or distribute any drugs to the public without first having obtained a registration or permit from the board authorizing such person so to do. No retail dealer who sells 12 or fewer different nonprescription drug products shall be required to obtain a retail dealer's permit under the pharmacy act of the state of Kansas or to pay a retail dealer new permit or permit renewal fee under such act. It shall be lawful for a retail dealer who is the holder of a valid retail dealer's permit issued by the board or for a retail dealer who sells 12 or fewer different nonprescription drug products to sell and distribute nonprescription drugs ~~which that~~ are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance; (2) a prescription-only drug; or (3) a drug product intended for human use by hypodermic injection; but such a retail dealer shall not be authorized to display any of the words listed in K.S.A. 65-1626~~(hh)~~(zz), and amendments thereto, for the designation of a pharmacy or drugstore.

(g) For any person to ~~sell any drugs manufactured and sold only in the state of Kansas, unless the label and directions on such drugs shall first have been approved by the board~~ manufacture within this state any drugs or devices except under the personal and immediate supervision of a pharmacist or such other individual as may be approved by the board after an investigation and a determination by the board that such individual is qualified by scientific or technical training or experience to perform such duties of supervision as may be necessary to protect the public health and safety, and no individual shall manufacture any drugs or devices without first obtaining a registration to do so from the board.

(h) For any person to operate an institutional drug room without first having obtained a registration to do so from the board. Such registration shall be subject to the provisions of K.S.A. 65-1637a, and amendments thereto, and any rules and regulations adopted pursuant thereto.

(i) For any person to operate a veterinary medical teaching hospital pharmacy without first having obtained a registration to do so from the board. Such registration shall be subject to the provisions of K.S.A. 65-1662, and amendments thereto, and any rules and regulations adopted pursuant thereto.

(j) For any person to sell or distribute in a pharmacy a controlled substance designated in K.S.A. 65-4113~~(e)(d)~~ or ~~(f)(c)~~, and amendments thereto, unless:

(1) (A) Such controlled substance is sold or distributed by a licensed pharmacist, or by a registered pharmacy technician or a pharmacy pharmacist intern or clerk supervised by a licensed pharmacist;

(B) any person individual purchasing, receiving or otherwise acquiring any such controlled substance produces a valid photo identification showing the date of birth of the person individual and signs a log and enters in the log, or allows the seller to enter in the log, such person's individual's address and the date and time of sale or allows the seller to enter such information into an electronic logging system pursuant to K.S.A. 65-16,102, and amendments thereto. The log or database required by the board shall be available for inspection during regular business hours to the board of pharmacy and any law enforcement officer;

(C) the seller determines that the name entered in the log corresponds to the name provided on such identification and that the date and time entered are correct; and

(D) the seller enters in the log the name of the controlled substance and the quantity sold; or

(2) there is a lawful prescription.

(k) For any pharmacy to allow customers to have direct access to any controlled substance designated in K.S.A. 65-4113~~(e)(d)~~ or ~~(f)(c)~~, and amendments thereto. Such controlled substance shall be placed behind the counter or stored in a locked cabinet that is located in an area of the pharmacy to which customers do not have direct access.

(l) A seller who in good faith releases information in a log pursuant to subsection (j) to any law enforcement officer is immune from civil liability for such release unless the release constitutes gross negligence or intentional, wanton or willful misconduct.

(m) For any person to sell or lease or offer for sale or lease durable medical equipment or to supply medical grade oxygen to an end user without first obtaining a registration from the board, in accordance with rules and regulations adopted by the board, except that this subsection shall not apply to:

(1) Sales not made in the regular course of the person's business; or

(2) sales by charitable organizations exempt from federal income taxation pursuant to the internal revenue code of 1986, ~~as amended.~~

(n) For any person to operate as an outsourcing facility within this state, or operate as an outsourcing facility outside of Kansas and ship, mail or deliver drugs into this state, without having first obtained a registration from the board.

(o) For any person to operate an automated dispensing system within this state without having first obtained a registration from the board.

(p) For any person to distribute drugs or devices into Kansas as an out-of-state manufacturer of such drugs or devices without first obtaining a registration as a manufacturer from the board.

Sec. 11. K.S.A. 65-1645 is hereby amended to read as follows: 65-1645. (a) Application for registrations or permits under K.S.A. 65-1643, and amendments thereto, shall be made on a form prescribed and furnished by the board. Applications for registration shall contain such information as may be required by the board in accordance with the provisions of K.S.A. 65-1655, ~~and amendments thereto, and K.S.A. 65-1655a and 65-1655b, and amendments thereto.~~ The application shall be accompanied by the fee prescribed by the board under the provisions of this section.

When such application and fees are received by the secretary on or before the due date, such application shall have the effect of temporarily renewing the applicant's registration or permit until actual issuance or denial of the renewal. ~~However, If,~~ at the time of filing, a proceeding is pending before the board that may result in the suspension, probation, revocation or denial of the applicant's registration or permit, the board may declare, by emergency order, that such application for renewal shall not have the effect of temporarily renewing such applicant's registration or permit. Separate applications shall be made and separate registrations or permits issued for each separate place at which where there is carried on any of the operations for which a registration or permit is required by K.S.A. 65-1643, and amendments thereto.

(b) An application for a registration or permit under K.S.A. 65-1643, and amendments thereto, submitted for a facility physically located outside of the state of Kansas shall be accompanied by an additional non-resident fee prescribed by the board by rules and regulations pursuant to this section. Such fee shall not exceed \$350 for a new registration and \$250 for a renewal.

(c) The nonrefundable fees required for the issuing of the licenses, registrations or permits under the pharmacy act of the state of Kansas shall be fixed by the board as herein provided in this section, subject to the following:

- (1) Pharmacy, new registration not more than \$150, renewal not more than \$125;
- (2) pharmacist, new license by examination not more than \$350;
- (3) pharmacist, reinstatement application fee not more than \$250;
- (4) pharmacist, biennial renewal fee not more than \$200;
- (5) pharmacist, evaluation fee not more than \$250;
- (6) pharmacist, reciprocal licensure fee not more than \$250;
- (7) pharmacist, penalty fee, not more than \$500;
- (8) manufacturer, new registration not more than \$500, renewal not more than \$400;
- (9) wholesale distributor, new registration not more than \$500, renewal not more than \$400, except that a wholesale distributor dealing exclusively in nonprescription drugs, the manufacturing, distributing or dispensing of which does not require registration under the uniform controlled substances act, shall be assessed a fee for registration and re-registration not to exceed \$50;
- (10) special auction not more than \$50;
- (11) samples distribution not more than \$50, renewal not more than \$50;
- (12) institutional drug room, new registration not more than \$40, renewal not more than \$35;
- (13) retail dealer selling more than 12 different nonprescription drug products, new permit not more than \$12, renewal not more than \$12;
- (14) certification of grades for each applicant for examination and registration not more than \$25;
- (15) veterinary medical teaching hospital pharmacy, new registration not more than \$40, renewal not more than \$35;
- (16) durable medical equipment registration fee, not more than \$300, renewal not more than \$300;
- (17) third-party logistics provider, new registration not more than \$500, renewal not more than \$400, except that a third-party logistics provider exclusively providing nonprescription drugs, the manufacturing, distributing or dispensing of which does not

require registration under the uniform controlled substances act, shall be assessed a fee for registration and re-registration not to exceed \$50;

(18) outsourcing facility, new registration not more than \$500, renewal not more than \$400;

(19) repackager, new registration not more than \$500, renewal not more than \$400; or

(20) automated dispensing system registration fee, not more than \$40, renewal not more than \$35.

~~(e)~~(d) For the purpose of fixing fees, the board may establish classes of retail dealers' permits for retail dealers selling more than 12 different nonprescription drug products, and the board may fix a different fee for each such class of permit.

~~(d)~~(c) The board shall determine annually the amount necessary to carry out and enforce the provisions of this act for the next ensuing fiscal year and shall fix by rules and regulations the fees authorized for such year at the sum deemed necessary for such purposes. The fees fixed by the board under this section immediately prior to the effective date of this act shall continue in effect until different fees are fixed by the board by rules and regulations as provided under this section.

~~(e)~~(f) The board may deny renewal of any registration or permit required by K.S.A. 65-1643, and amendments thereto, on any ground that would authorize the board to suspend, revoke or place on probation a registration or permit previously granted pursuant to the provisions of K.S.A. 65-1643, and amendments thereto. Registrations and permits issued under the provisions of K.S.A. 65-1643 and 65-1644, and amendments thereto, shall be conspicuously displayed in the place for which the registration or permit was granted. Such registrations or permits shall not be transferable. All such registrations and permits shall expire every year. The expiration date shall be established by rules and regulations adopted by the board. All registrations and permits shall be renewed annually. Notice of renewal of registrations and permits shall be sent by the board to each registrant or permittee at least 30 days prior to expiration of the registration or permit. If application for renewal is not made prior to expiration, the existing registration or permit shall lapse and become null and void on the date of its expiration, and no new registration or permit shall be granted except upon payment of the required renewal fee plus a penalty equal to the renewal fee. Failure of any registrant or permittee to receive such notice of renewal shall not relieve the registrant or permittee from the penalty hereby imposed if the renewal is not made as prescribed.

~~(f)~~(g) In each case in which a license of a pharmacist is issued or renewed for a period of time less than two years, the board shall prorate to the nearest whole month the license or renewal fee established pursuant to this section.

~~(g)~~(h) The board may require that fees paid for any examination under the pharmacy act of the state of Kansas be paid directly to the examination service by the person taking the examination.

Sec. 12. K.S.A. 65-1656 is hereby amended to read as follows: 65-1656. (a) Nothing contained in the pharmacy act of the state of Kansas shall prohibit a pharmacist licensed in this state from filling or refilling a valid prescription for prescription drugs not listed in schedule II of the uniform controlled substances act, ~~which that~~ is on file in a pharmacy licensed or registered in any state and has been transferred from one pharmacy to another ~~by any means, including by way of electronic data processing~~

equipment, upon the following conditions and exceptions:

(1) Prior to dispensing pursuant to any such prescription, the dispensing pharmacist shall:

(A) ~~Advise the patient that the prescription file at such other pharmacy must be canceled before the dispensing pharmacist will be able to fill the prescription;~~

(B) ~~determine that the prescription is valid and on file at such other pharmacy and that such prescription may be filled or refilled, as requested, in accordance with the prescriber's intent expressed on such prescription;~~

(C) ~~notify the pharmacy where the prescription is on file that the prescription must be canceled;~~

(D) ~~record the prescription order, the name of the pharmacy at which the prescription was on file, the prescription number, the name of the drug and the original amount dispensed, the date of original dispensing and the number of remaining authorized refills~~ Ensure records and notifications are in compliance with rules and regulations adopted by the board; and

~~(E)~~(B) obtain the consent of the prescriber to the refilling of the prescription when the prescription, in the professional judgment of the dispensing pharmacist, so requires. Any interference with the professional judgment of the dispensing pharmacist by any other licensed pharmacist, agents of the licensed pharmacist or employees shall be grounds for revocation or suspension of the registration issued to the pharmacy.

(2) Upon receipt of a request for ~~the transfer of a prescription information set forth in subsection (a)(1)(D)~~ record, if the requested pharmacist is satisfied in the professional judgment of the pharmacist that such request is valid and legal, the requested pharmacist pharmacy shall:

(A) Provide such information accurately and completely;

(B) ~~record on the prescription the name of the requesting pharmacy and pharmacist and the date of request~~ ensure records and notifications are made in compliance with rules and regulations adopted by the board; and

(C) ~~cancel the prescription on file. No further prescription transfer shall be given or medication dispensed pursuant to such original prescription~~ provide information in a timely manner to avoid interruption in the medication therapy of the patient.

(3) ~~In the event that, after the information set forth in subsection (a)(1)(D) has been provided, a prescription is not dispensed by the requesting pharmacist, then such pharmacist shall provide notice of this fact to the pharmacy from which such information was obtained, such notice shall then cancel the prescription in the same manner as set forth in subsection (a)(2)(C).~~

(4) ~~When filling or refilling a valid prescription on file in another state, the dispensing pharmacist shall be required to follow all the requirements of Kansas law which that apply to the dispensing of prescription drugs. If anything in Kansas law prevents the filling or refilling of the original prescription it shall be unlawful to dispense pursuant to this section.~~

~~(5)~~(4) In addition to any other requirement of this section, the transfer of original prescription information for a controlled substance listed in schedules III, IV and V for the purposes of refill dispensing shall be made in accordance with the requirements of section 1306.25 of chapter 21 of the code of federal regulations 21 C.F.R. § 1306.25.

(b) Two or more pharmacies may establish and use a common electronic file to maintain required dispensing information. Pharmacies using such a common electronic

file are not required to physically transfer prescriptions or information for dispensing purposes between or among pharmacies participating in the same common prescription file, except that any such common file must contain complete and adequate records of such prescription and refill dispensed as required by the pharmacy act of the state of Kansas.

(c) The board may ~~formulate~~ adopt such rules and regulations, not inconsistent with law, as may be necessary to carry out the purposes of and to enforce the provisions of this section except that the board shall not impose greater requirements on either common electronic files or a hard copy record system.

(d) ~~Drugs shall in no event be dispensed more frequently or in larger amounts than the prescriber ordered without direct prescriber authorization by way of a new prescription order. Nothing in this section shall prevent a pharmacy from forwarding to another pharmacy an original, unfilled prescription for a noncontrolled substance or electronically forwarding an original, unfilled, electronic prescription for a controlled substance, at the request of the patient, in compliance with the provisions of the federal or state uniform controlled substances act.~~

(e) This section shall be a part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 13. K.S.A. 65-1657 is hereby amended to read as follows: 65-1657. (a) No nonresident pharmacy shall ship, mail or deliver, in any manner, prescription drugs or devices to a patient, patient's agent or prescriber's office in this state unless registered under this section as a nonresident pharmacy. Applications for a nonresident pharmacy registration under this section shall be made on a form furnished by the board. A nonresident pharmacy registration shall be granted for a period of one year upon compliance by the nonresident pharmacy with the provisions of this section and rules and regulations adopted pursuant to this section and upon payment of the registration fee established under K.S.A. 65-1645, and amendments thereto, for a pharmacy registration. A nonresident pharmacy registration shall be renewed annually on forms provided by the board, upon compliance by the nonresident pharmacy with the provisions of this section and rules and regulations adopted pursuant to this section and upon payment of the renewal fee established under K.S.A. 65-1645, and amendments thereto, for the renewal of a pharmacy registration.

(b) As conditions for the granting of a registration and for the renewal of a registration for a nonresident pharmacy, the nonresident pharmacy shall comply with the following:

(1) Provide information to the board to indicate the person or persons applying for the registration, the location of the pharmacy from which the prescription drugs will be dispensed, the names and titles of all principal owners and corporate officers, if any, and the names of all pharmacists dispensing prescription drugs to residents of Kansas;

(2) be registered and in good standing in the state in which such pharmacy is located;

(3) maintain, in readily retrievable form, records of prescription drugs dispensed to Kansas patients;

(4) supply upon request, all information needed by the board to carry out the board's responsibilities under this section and rules and regulations adopted pursuant to this section;

(5) maintain pharmacy hours that permit the timely dispensing of drugs to Kansas

patients and provide reasonable access for the patients to consult with a licensed pharmacist about such patients' medications;

(6) provide toll-free telephone communication consultation between a Kansas patient and a pharmacist at the pharmacy who has access to the patient's records, and ensure that the telephone ~~number(s)~~ number will be placed upon the label affixed to each prescription drug container dispensed in Kansas; and

(7) provide to the board such other information as the board may reasonably request to administer the provisions of this section.

~~(c) When any nonresident pharmacy fails to supply requested information to the board or fails to respond to proper inquiry of the board, after receiving notice by certified mail, the board may assess a civil fine in accordance with the provisions in K.S.A. 65-1658, and amendments thereto.~~

~~(d)~~ Each nonresident pharmacy shall comply with the following unless compliance would be in conflict with specific laws or rules and regulations of the state in which the pharmacy is located:

(1) All statutory and regulatory requirements of Kansas for controlled substances, including those that are different from federal law;

(2) labeling of all prescriptions dispensed, to include, but not be limited to, identification of the product and quantity dispensed;

(3) all the statutory and regulatory requirements of Kansas for dispensing prescriptions in accordance with the quantities indicated by the prescriber; and

(4) the Kansas law regarding the maintenance and use of the patient medication profile record system.

~~(e)(d)~~ In addition to ~~subsection (d)~~ the requirements of subsection (c), each nonresident pharmacy shall comply with all the statutory and regulatory requirements of Kansas regarding drug product selection laws whether or not such compliance would be in conflict with specific laws or rules and regulations of the state in which the pharmacy is located, except that compliance ~~which that~~ constitutes only a minor conflict with specific laws or rules and regulations of the state in which the pharmacy is located would not be required under this subsection.

~~(f)(e)~~ Each nonresident pharmacy shall develop and provide the board with a policy and procedure manual that sets forth:

(1) Normal delivery protocols and times;

(2) the procedure to be followed if the patient's medication is not available at the nonresident pharmacy, or if delivery will be delayed beyond the normal delivery time;

~~(3) the procedure to be followed upon receipt of a prescription for an acute illness, which. Such~~ policy shall include a procedure for delivery of the medication to the patient from the nonresident pharmacy at the earliest possible time, or an alternative that assures the patient the opportunity to obtain the medication at the earliest possible time; and

(4) the procedure to be followed when the nonresident pharmacy is advised that the patient's medication has not been received within the normal delivery time and that the patient is out of medication and requires interim dosage until mailed prescription drugs become available.

~~(g) Except in emergencies that constitute an immediate threat to the public health and require prompt action by the board, the board may file a complaint against any nonresident pharmacy that violates any provision of this section. This complaint shall~~

~~be filed with the regulatory or licensing agency of the state in which the nonresident pharmacy is located. If the regulatory or licensing agency of the state in which the nonresident pharmacy is located fails to resolve the violation complained of within a reasonable time, not less than 180 days from the date that the complaint is filed, disciplinary proceedings may be initiated by the board. The board also may initiate disciplinary actions against a nonresident pharmacy if the regulatory or licensing agency of the state in which the nonresident pharmacy is located lacks or fails to exercise jurisdiction.~~

(f) The board may limit, condition, revoke, suspend or place in a probationary status a registration or deny an application for issuance or renewal of any registration on any ground that would authorize the board to take action against the registration of a pharmacy under K.S.A. 65-1627, and amendments thereto.

~~(h)(g)~~ The board shall adopt rules and regulations that make exceptions to the requirement of registration by a nonresident pharmacy when the out-of-state pharmacy supplies lawful refills to a patient from a prescription that was originally filled and delivered to a patient within the state in which the nonresident pharmacy is located, or when the prescriptions being mailed into the state of Kansas by a nonresident pharmacy occurs only in isolated transactions. In determining whether the prescriptions being mailed into the state of Kansas by a nonresident pharmacy are isolated transactions, the board shall consider whether the pharmacy has promoted its services in this state and whether the pharmacy has a contract with any employer or organization to provide pharmacy services to employees or other beneficiaries in this state.

~~(+)(h)~~ It is unlawful for any nonresident pharmacy ~~which that~~ is not registered under this act to advertise its services in this state, or for any person who is a resident of this state to advertise the pharmacy services of a nonresident pharmacy ~~which that~~ has not registered with the board, with the knowledge that the advertisement will or is likely to induce members of the public in this state to use the pharmacy to fill prescriptions.

~~(+)(i)~~ Upon request of the board, the attorney general may bring an action in a court of competent jurisdiction for injunctive relief to restrain a violation of the provisions of this section or any rules and regulations adopted by the board under authority of this section. The remedy provided under this subsection shall be in addition to any other remedy provided under this section or under the pharmacy act of the state of Kansas.

~~(+)(j)~~ The board may adopt rules and regulations as necessary and as are consistent with this section to carry out the provisions of this section.

~~(l)~~ ~~The executive secretary of the board shall remit all moneys received from fees under this section 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 manner specified under K.S.A. 74-1609, and amendments thereto.~~

~~(+)(k)~~ A violation of this section is a severity level 10, nonperson felony.

~~(+)(l)~~ This section shall be a part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 14. K.S.A. 65-1658 is hereby amended to read as follows: 65-1658. The state board of pharmacy, in addition to any other penalty prescribed under the pharmacy act of the state of Kansas, may assess a civil fine, after notice and an opportunity to be heard in accordance with the Kansas administrative procedure act, against any licensee or registrant under ~~subsections (a), (c), (d) and (e) of K.S.A. 65-1627(a), (c), (d), (e) and~~

(f), 65-1643, 65-1657, 65-1663 and 65-1676, and amendments thereto, for violation of the pharmacy act of the state of Kansas ~~or~~, rules and regulations of the state board of pharmacy adopted under the pharmacy act of the state of Kansas or for violation of the federal or state uniform controlled substances act or rules and regulations of the state board of pharmacy adopted under the federal or state uniform controlled substances act; or for violation of the federal or state food, drug and cosmetic act or any rules and regulations adopted under any such act in an amount not to exceed \$5,000 for each violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. ~~Of the amount so remitted, an amount equal to the board's actual costs related to the case in which the fine was assessed, as certified by the president of the board to the state treasurer, shall be~~ credited to the state board of pharmacy fee fund, ~~and the balance shall be credited to the state general fund.~~

Sec. 15. K.S.A. 2020 Supp. 65-6112 is hereby amended to read as follows: 65-6112. As used in ~~this act~~ article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto:

(a) "Administrator" means the executive director of the emergency medical services board.

(b) "Advanced emergency medical technician" means a person who holds an advanced emergency medical technician certificate issued pursuant to this act.

(c) "Advanced practice registered nurse" means an advanced practice registered nurse as defined in K.S.A. 65-1113, and amendments thereto.

(d) "Ambulance" means any privately or publicly owned motor vehicle, airplane or helicopter designed, constructed, prepared, staffed and equipped for use in transporting and providing emergency care for individuals who are ill or injured.

(e) "Ambulance service" means any organization operated for the purpose of transporting sick or injured persons to or from a place where medical care is furnished, whether or not such persons may be in need of emergency or medical care in transit.

(f) "Board" means the emergency medical services board established pursuant to K.S.A. 65-6102, and amendments thereto.

(g) "Emergency medical service" means the effective and coordinated delivery of such care as may be required by an emergency that includes the care and transportation of individuals by ambulance services and the performance of authorized emergency care by a physician, advanced practice registered nurse, professional nurse, a licensed physician assistant or emergency medical service provider.

(h) "Emergency medical service provider" means an emergency medical responder, advanced emergency medical technician, emergency medical technician or paramedic certified by the emergency medical services board.

(i) "Emergency medical technician" means a person who holds an emergency medical technician certificate issued pursuant to this act.

(j) "Emergency medical responder" means a person who holds an emergency medical responder certificate issued pursuant to this act.

(k) "Hospital" means a hospital as defined by K.S.A. 65-425, and amendments thereto.

(l) "Instructor-coordinator" means a person who is certified under this act to teach or coordinate both initial certification and continuing education classes.

(m) "Medical director" means a physician.

(n) "Medical oversight" means to review, approve and implement medical protocols and to approve and monitor the activities, competency and education of emergency medical service providers.

~~(o) "Medical protocols" mean means~~ written guidelines that authorize emergency medical service providers to perform certain medical procedures prior to contacting a physician, physician assistant authorized by a physician, advanced practice registered nurse authorized by a physician or professional nurse authorized by a physician. ~~The medical protocols shall be approved by a county medical society or the medical staff of a hospital to which the ambulance service primarily transports patients, or if neither of the above are able or available to approve the medical protocols, then the medical protocols shall be submitted to the medical advisory council for approval.~~

~~(p)~~(p) "Municipality" means any city, county, township, fire district or ambulance service district.

~~(q)~~(q) "Nonemergency transportation" means the care and transport of a sick or injured person under a foreseen combination of circumstances calling for continuing care of such person. As used in this subsection, transportation includes performance of the authorized level of services of the emergency medical service provider whether within or outside the vehicle as part of such transportation services.

~~(r)~~(r) "Operator" means a person or municipality who has a permit to operate an ambulance service in the state of Kansas.

~~(s)~~(s) "Paramedic" means a person who holds a paramedic certificate issued pursuant to this act.

~~(t)~~(t) "Person" means an individual, a partnership, an association, a joint-stock company or a corporation.

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

~~(v)~~(v) "Physician assistant" means a physician assistant as defined in K.S.A. 65-28a02, and amendments thereto.

~~(w)~~(w) "Professional nurse" means a licensed professional nurse as defined by K.S.A. 65-1113, and amendments thereto.

~~(x)~~(x) "Sponsoring organization" means any professional association, accredited postsecondary educational institution, ambulance service that holds a permit to operate in this state, fire department, other officially organized public safety agency, hospital, corporation, governmental entity or emergency medical services regional council, as approved by the executive director, to offer initial courses of instruction or continuing education programs.

Sec. 16. K.S.A. 2020 Supp. 65-6124 is hereby amended to read as follows: 65-6124. (a) No physician, physician assistant, advanced practice registered nurse or licensed professional nurse; who gives emergency instructions to an emergency medical service provider ~~as defined by K.S.A. 65-6112, and amendments thereto~~; during an emergency; shall be liable for any civil damages as a result of issuing the instructions, except such damages that may result from gross negligence in giving such instructions.

(b) No emergency medical service provider ~~as defined by K.S.A. 65-6112, and amendments thereto~~; who renders emergency care during an emergency pursuant to instructions given by a physician, ~~the supervising physician for a~~ physician assistant, advanced practice registered nurse or licensed professional nurse shall be liable for civil damages as a result of implementing such instructions, except such damages that may

result from gross negligence or by willful or wanton acts or omissions on the part of such emergency medical service provider ~~as defined by K.S.A. 65-6112, and amendments thereto.~~

(c) No person certified as an instructor-coordinator shall be liable for any civil damages that may result from such instructor-coordinator's course of instruction, except such damages that may result from gross negligence or by willful or wanton acts or omissions on the part of the instructor-coordinator.

(d) No medical director who ~~reviews, approves and monitors the activities of emergency medical service providers~~ provides medical oversight shall be liable for any civil damages as a result of such ~~review, approval or monitoring~~ medical oversight, except such damages that may result from gross negligence in the provision of such review, approval or monitoring medical oversight.

Sec. 17. K.S.A. 2020 Supp. 65-6126 is hereby amended to read as follows: 65-6126. (a) Except as provided in subsection (b), each emergency medical service operator shall have designate a medical director ~~appointed by the operator of the service to review and implement medical protocols, approve and monitor the activities, competency and education of the emergency medical service providers to provide medical oversight.~~

(b) The board may approve an alternative procedure for medical oversight by a physician if no medical director is available to be designated by the operator.;

Also on page 35, in line 11, by striking all after "K.S.A."; by striking all in line 12; in line 13, by striking all before the second "and" and inserting "65-636, 65-1627, 65-1631, 65-1637, 65-1643, 65-1645, 65-1656, 65-1657 and 65-1658"; in line 14, by striking all before "are" and inserting "65-1626, 65-6112, 65-6124 and 65-6126"; in line 16, 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 "to"; by striking all in lines 2 through 9; in line 10, by striking "discipline" and inserting "health professions; requiring medical oversight of emergency medical services operators by medical directors or physicians; prescribing powers, duties and functions of the state board of pharmacy; providing for confidentiality of investigations, inspections and audits; requirements for the exhibition of titles and prescription orders; establishing fees on out-of-state facilities; defining telepharmacy and requiring rules and regulations to be adopted for oversight and administration thereof"; also in line 10, by striking all after "K.S.A."; by striking all in lines 11 and 12 and inserting "65-636, 65-1627, 65-1631, 65-1637, 65-1643, 65-1645, 65-1656, 65-1657 and 65-1658 and"; in line 13, by striking "65-6306 and 65-6411" and inserting "65-1626, 65-6112, 65-6124 and 65-6126";

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

BRENDA LANDWEHR

JOHN EPLEE

BRETT PARKER

*Conferees on part of House*

RICHARD HILDERBRAND

BEVERLY GOSSAGE

PAT PETTEY

*Conferees on part of Senate*

Senator Hilderbrand moved the Senate adopt the Conference Committee Report on **Sub SB 238**.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Suellentrop, Sykes, Ware, Warren, Wilborn.

Nays: Steffen, Straub, Thompson, Tyson.

The Conference Committee Report was adopted.

### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Kerschen moved the Senate concur in House amendments to **SB 39**.

**SB 39**, AN ACT concerning agriculture; relating to the Kansas department of agriculture; the division of animal health; license, permit and registration renewal deadlines; calfhood vaccination tag fees; amending K.S.A. 47-1208 and K.S.A. 2020 Supp. 47-1001e, 47-1002, 47-1503, 47-1805, 47-1831 and 47-2101 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Suellentrop, Sykes, Ware, Warren, Wilborn.

Nays: Hilderbrand, Steffen, Straub, Thompson, Tyson.

The Senate concurred.

### EXPLANATION OF VOTE

Mr. Vice President: While **SB 39** appears benign on the surface, my concern is for the incremental infringement on the ability of our mom and pop cattle producers to compete in a worldwide free market. If RFID tags are so necessary, then why do we not require the same regulations on beef that is imported as we do on US beef? Supporting RFID tags could potentially lead to mandates and the destruction of the good people of our state who raise Kansas Beef and help feed the entire world. I vote No, out of concern to protect the freedom of our Kansas Beef Producers.—ALICIA STRAUB

### CONSIDERATION OF APPOINTMENTS

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

Senator Alley moved the following appointments be confirmed as recommended by the Governor.

*State Banking Board:*

Mary Berry, to serve a term ending March 15, 2024

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll,

Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The appointment was confirmed.

*Kansas Human Rights Commission:*

Alicia Sanchez, to serve a term ending January 15, 2025

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The appointment was confirmed.

*Kansas Human Rights Commission:*

Nathan Spriggs, to serve a term ending January 15, 2025

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The appointment was confirmed.

*Kansas Public Employees Retirement Board of Trustees:*

Kathleen VonAchen, to serve a term ending January 15, 2025

On roll call, the vote was: Yeas 19; Nays 19; Present and Passing 2; Absent or Not Voting 0.

Yeas: Billinger, Corson, Doll, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Kerschen, Longbine, Olson, Pettey, Pittman, Pyle, Sykes, Ware, Wilborn.

Nays: Baumgardner, Bowers, Claeys, Dietrich, Erickson, Gossage, Hilderbrand, Kloos, Masterson, McGinn, O'Shea, Peck, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren.

Present and Passing: Alley, Petersen.

The appointment was not confirmed.

## COMMITTEE OF THE WHOLE

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

On motion of Senator Alley the following report was adopted:

**SR 1611** be amended by the adoption of the committee amendments and the resolution be adopted.

Senator Olson moved **SCR 1611** be rereferred to the Committee on Federal and State Affairs.

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

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

Yeas: Billinger, Bowers, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Hilderbrand, Holland, Holscher, McGinn, Olson, Pettey, Pittman, Pyle, Sykes, Tyson, Ware.

Nays: Alley, Baumgardner, Claeys, Erickson, Gossage, Kerschen, Kloos, Longbine, Masterson, O'Shea, Peck, Petersen, Ryckman, Steffen, Straub, Suellentrop, Thompson, Warren, Wilborn.

The motion carried.

#### EXPLANATION OF VOTE

Mr. President: The Kansas Constitution lists a two-thirds majority for this type of resolution. At this time, I have not heard a convincing argument to lower that number. By returning **SCR 1611** to committee, it will allow for a critical review of this important issue.—CARYN TYSON

#### REFERENCE OF BILLS

The President referred **SB 314** to the Calendar under the heading of General Orders.

#### CHANGE OF CONFERENCE

President Masterson appointed Senators Baumgardner, Erickson and Sykes to replace Senators Longbine, Peck and Holscher as members of the conference committee on **HB 2134**.

On motion of Senator Alley, the Senate adjourned until 10:00 a.m., Thursday, May 6, 2021.

# Journal of the Senate

SIXTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, May 6, 2021, 10:00 a.m.

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

Lord, Help Us See You Like Isaiah Did!  
Isaiah 6:1-9

Heavenly Father, today, we're joining with millions across this nation, humbling ourselves on this National Day of Prayer. And Lord, as we join so many others on behalf of this nation, it is to You, and to You only, that we must turn for salvation.

You are the Almighty God of Heaven and Earth. There is no person and nothing created that is on Your level. We have no other god before us! So, as we approach You in prayer today, would You allow us, in our feeble, fumbling, oftentimes failing ways to find grace flowing from Your Throne of Mercy?

Your Holiness is so real that sometimes it would seem impossible to come into Your awesome presence. Oh but once again, I'm reminded of what You did for Isaiah. In chapter 6, he tells of how he was blown away and dumbfounded when You granted him a glimpse of Your overwhelming majesty and Holiness.

Lord, would You begin to give us, in this nation, an eye opening glimpse of Your majesty and of Your Holiness. Help us to see You as Isaiah saw You, in such a way that it blows our minds and opens our eyes to the degree that a revival of Godly righteousness explodes across this land.

Lord, You are this nations only hope! I offer this prayer, as one who has had my own Isaiah moment. And I thank You Lord. In the precious Name of Jesus, Amen!

The Pledge of Allegiance was led by President Masterson.

## CHANGE OF CONFERENCE

Senators Warren, Wilborn, and Haley are appointed to replace Senators Kerschen, Straub, and Ware as members of the conference committee on **SB 160**.

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

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**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **HB 2026**.

The House adopts the Conference Committee report on **HB 2077**.

The House adopts the Conference Committee report on **HB 2079**.

The House adopts the Conference Committee report on **HB 2121**.

The House adopts the Conference Committee report on **HB 2158**.

The House concurs in Senate amendments to **HB 2187**.

The House nonconcurrs in Senate amendments to **S Sub HB 2313**, requests a conference and has appointed Representatives A. Smith, Mason and Gartner as conferees on the part of the House.

The House announced the appointment of Representatives Williams, Hoffman and Winn as conferees on **HB 2134** to replace Representatives S. Johnson, Croft and Neighbor as conferees on the part of the House.

**CHANGE OF CONFERENCE**

Senators Alley, Claeys, and Holland are appointed to replace Senators Warren, Wilborn, and Corson as members of the conference committee on **SB 58**.

Senators Warren, Baumgardner, and Haley are appointed to replace Senators Tyson, Alley, and Holland as members of the conference committee on **HB 2106**.

On motion of Senator Alley, the Senate recessed until 4:00 p.m.

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report to agree to disagree on **SB 29**, and has appointed Representative S. Johnson, Croft and Neighbor as Second conferees on the part of the House.

**ORIGINAL MOTION**

Senator Alley moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **SB 29**.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 29** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

STEVEN JOHNSON

CHRIS CROFT

*Conferees on part of House*

JEFF LONGBINE

VIRGIL PECK

*Conferees on part of Senate*

On motion of Senator Longbine the Senate adopted the conference committee report on **SB 29**, and requested a new conference be appointed.

The President appointed Senators Longbine, Peck and Holscher as a second Conference Committee on the part of the Senate on **SB 29**.

### **ORIGINAL MOTION**

On motion of Senator Tyson, the Senate acceded to the request of the House for a conference on **S Sub HB 2313**.

The President appointed Senators Tyson, Alley and Holland as conferees on the part of the Senate.

### **CHANGE OF CONFERENCE**

Senators Tyson and Alley are appointed to replace Senators Alley and Claeys as members of the conference committee on **SB 58**.

### **REPORTS OF STANDING COMMITTEES**

Committee on **Ways and Means** recommends **HB 2397** be amended by substituting a new bill to be designated as "Senate Substitute for Substitute for HOUSE BILL No. 2397," as follows:

"Senate Substitute for Substitute for HOUSE BILL No. 2397

By Committee on Ways and Means

"AN ACT reconciling conflicting amendments to certain statutes; amending K.S.A. 66-104, as amended by section 1 of 2021 House Bill No. 2367, 75-5133 and 79-3234 and K.S.A. 2020 Supp. 8-2110, 8-2118, as amended by section 6 of 2021 Senate Bill No. 67, 45-229, as amended by section 12 of 2021 House Bill No. 2390, 58-652, as amended by section 1 of 2021 Senate Bill No. 103, and 60-5508, as amended by section 6 of 2021 Senate Bill No. 283, and repealing the existing sections; also repealing K.S.A. 22-4514a, as amended by section 1 of 2021 Senate Bill No. 16, 66-104, as amended by section 1 of 2021 House Bill No. 2145, 75-3728c, as amended by section 2 of 2021 Senate Bill No. 16, 75-5133d, 76-721, as amended by section 3 of 2021 Senate Bill No. 16, 79-3233b, as amended by section 4 of 2021 Senate Bill No. 16, and 79-3234d and K.S.A. 2020 Supp. 8-2110b, 8-2118c, 39-1431b, 45-229, as amended by section 5 of 2021 House Bill No. 2162, 45-229, as amended by section 36 of 2021 House Bill No. 2391, 58-652, as amended by section 39 of 2021 Senate Bill No. 106, and 60-5508, as amended by section 3 of 2021 House Bill No. 2126.";

And the substitute bill be passed.

On motion of Senator Alley, the Senate adjourned until 10:00 a.m., Friday, May 7, 2021.

# Journal of the Senate

SIXTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, May 7, 2021, 10:00 a.m.

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

To God Be the Glory, In Song!

Regardless of his own power and fame, King David wrote this song of praise, that God's people may well praise Him! In Psalm 8:1-2, these are the words he wrote... "I will give thanks to the Lord with all my heart; I will recount all Your wonders; I will be glad and rejoice in You; I will sing praise to Your name, O Most High."

Heavenly Father, You inspired another song writer, Andre Crouch, to write a song of praise for today. And Lord, may the spirit of this melody bless Your heart and the heart of Your people! Pastor Washington sang the following song:

How can I say thanks for the things You've done for me  
Things so undeserved, yet you gave to prove your love to me  
The voices of a million angels could not express my gratitude  
All that I am and ever hope to be, I owe it all to Thee  
To God be the glory! To God be the glory! To God be the glory!  
For the things You have done.  
With Your blood, you have saved me  
With Your power, You have raised me  
To God be the glory, for the things You have done!  
Just let me live my life, and let it be pleasing, Lord to Thee  
And should I gain any praise, let it go to Calvary  
With Your blood, You have saved me  
With Your power, You have raised me  
To God be the glory, for the things You have done! Amen!!

The Pledge of Allegiance was led by Vice President Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 315**, AN ACT concerning health and healthcare; relating to medical marijuana; creating the Kansas medical marijuana regulation act; providing for licensure and regulation of the cultivation, distribution, sale and possession of medical marijuana; delegating administrative duties and functions to the secretary of health and

environment, secretary of revenue, board of healing arts, board of pharmacy and the director of alcoholic beverage control; imposing fines and penalties for violations of the act; establishing the medical marijuana registration fund and the medical marijuana business regulation fund; creating the crime of unlawful transport of medical marijuana; making exceptions to the crimes of unlawful manufacture and possession of controlled substances; amending K.S.A. 44-1009, 44-1015, 65-28b08, 79-5201 and 79-5210 and K.S.A. 2020 Supp. 19-101a, 21-5703, 21-5705, 21-5706, 21-5707, 21-5709, 21-5710, 23-3201, 38-2269, 44-501, 44-706 and 65-1120 and repealing the existing sections, by Committee on Ways and Means.

**SCR 1614**, A Concurrent Resolution calling for the creation of a national federalism task force for the purpose of convening federalism summits to develop plans for restoring and maintaining clearly discernable divisions in the roles and responsibilities of the national government and the states, by Senator Hilderbrand.

### ORIGINAL MOTION

Senator Alley moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **SB 91**.

### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Olson the Senate nonconcurred in the House amendments to **SB 91** and requested a conference committee be appointed.

The President appointed Senators Olson, Steffen and Holland as a conference committee on the part of the Senate.

On motion of Senator Alley, the Senate recessed until the sound of the gavel.

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### ORIGINAL MOTION

Senator Alley moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **S Sub Sub HB 2397**.

### ORIGINAL MOTION

Senator Alley moved to advance **S Sub Sub HB 2397** to final action subject to amendment and debate. The motion carried.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Alley an emergency was declared by a 2/3 constitutional majority, and **S Sub Sub HB 2397** was advanced to Final Action and roll call.

**S Sub Sub HB 2397**, AN ACT reconciling conflicting amendments to certain statutes; amending K.S.A. 66-104, as amended by section 1 of 2021 House Bill No. 2367, 75-5133 and 79-3234 and K.S.A. 2020 Supp. 8-2110, 8-2118, as amended by section 6 of 2021 Senate Bill No. 67, 45-229, as amended by section 12 of 2021 House Bill No. 2390, 58-652, as amended by section 1 of 2021 Senate Bill No. 103, and 60-5508, as amended by section 6 of 2021 Senate Bill No. 283, and repealing the existing sections; also repealing K.S.A. 22-4514a, as amended by section 1 of 2021 Senate Bill

No. 16, 66-104, as amended by section 1 of 2021 House Bill No. 2145, 75-3728c, as amended by section 2 of 2021 Senate Bill No. 16, 75-5133d, 76-721, as amended by section 3 of 2021 Senate Bill No. 16, 79-3233b, as amended by section 4 of 2021 Senate Bill No. 16, and 79-3234d and K.S.A. 2020 Supp. 8-2110b, 8-2118c, 39-1431b, 45-229, as amended by section 5 of 2021 House Bill No. 2162, 45-229, as amended by section 36 of 2021 House Bill No. 2391, 58-652, as amended by section 39 of 2021 Senate Bill No. 106, and 60-5508, as amended by section 3 of 2021 House Bill No. 2126.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Present and Passing: Pyle.

The bill passed.

#### **CHANGE OF CONFERENCE**

The President appointed Senators Warren, Wilborn, and Haley to replace Senators Tyson, Alley, and Holland as members of the conference committee on **SB 58**.

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

#### **AFTERNOON SESSION**

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **SB 158**, as amended by **House Substitute for SB 158**.

Announcing passage of **HB 2056**.

The House accedes to the request of the Senate for a conference on **SB 91** and has appointed Representatives Tarwater, Long and Clayton as conferees on the part of the House.

The House adopts the Conference Committee report on **H Sub SB 78**.

The House adopts the Conference Committee report on **SB 29**.

The House concurs in Senate amendments to **S Sub for Sub HB 2397**.

#### **ORIGINAL MOTION**

Senator Alley moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 29**, **H Sub SB 78**; **HB 2137**.

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 29** submits the following report:

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

amendments, as follows:

On page 1, by striking all in lines 6 through 34;

On page 2, by striking all in lines 1 through 31; following line 31, by inserting:

"Section 1. K.S.A. 2020 Supp. 40-2,193 is hereby amended to read as follows: 40-2,193. (a) For the purposes of this section:

(1) "Specially designed policy" means an insurance policy that by design may not meet all or part of the definitions of a group or individual sickness and accident insurance policy and includes temporary sickness and accident insurance on a short-term, limited-duration basis.

(2) "Short-term, limited-duration" means an insurance policy period of ~~six months or less than~~ 12 months, ~~based upon policy design, which that offers not more than one renewal period or extension periods up to a maximum policy period of 36 months total duration,~~ with or without a requirement of medical re-underwriting or medical requalification.

(A) Because a short-term, limited-duration policy addresses the special needs for temporary coverage, a short-term, limited-duration policy is not subject to continuation provisions of the health insurance portability and accountability act of 1996 (public law 104-191).

(B) Because a short-term, limited-duration policy addresses the special needs for temporary coverage, a short-term, limited-duration policy shall be exempt from medical loss ratio calculations associated with individual sickness and accident insurance issued within the state unless such calculation excludes any monthly administration fee associated with the sale of such policy.

~~(b) Specially designed policies shall include policies designed to provide sickness and accident insurance for specific coverage of benefits or services that may be excluded as benefits or services cited under K.S.A. 2020 Supp. 40-2,192, and amendments thereto. Specially designed policies may include the following stand-alone policies and coverages:~~

~~(1) Chiropractic plans;~~

~~(2) acupuncture coverage plans;~~

~~(3) holistic medical treatment plans;~~

~~(4) podiatrist plans;~~

~~(5) pharmacy plans;~~

~~(6) psychiatric plans;~~

~~(7) allergy plans; and~~

~~(8) such other stand-alone plans or combinations of plans of accepted traditional and nontraditional medical practice as shall be allowable for exclusion from group or individual plans under K.S.A. 2020 Supp. 40-2,192, and amendments thereto.~~

~~(e) No specially designed policy shall be deemed to be included under the definition of group sickness and accident insurance, including short-term, limited-duration health insurance, issued or renewed inside or outside of this state and covering persons residing in this state.~~

Sec. 2. K.S.A. 2020 Supp. 40-2,193 is hereby repealed.";

On page 1, in the title, in line 1, by striking all after "to"; in line 2, by striking all before the semicolon and inserting "health insurance; providing for short-term, limited-duration health plans"; in line 3, by striking "40-2c01" and inserting "40-2,193";

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

STEVEN JOHNSON  
CHRIS CROFT  
*Conferees on part of House*

JEFF LONGBINE  
VIRGIL PECK  
*Conferees on part of Senate*

Senator Longbine moved the Senate adopt the Conference Committee Report on **SB 29**.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

The Conference Committee Report was adopted.

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub SB 78** 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 as House Substitute for Senate Bill No. 78, as follows:

On page 52, following line 27, by inserting:

"Sec. 5. K.S.A. 2020 Supp. 40-2c01 is hereby amended to read as follows: 40-2c01.

As used in this act:

(a) "Adjusted RBC report" means an RBC report that has been adjusted by the commissioner in accordance with K.S.A. 40-2c04, and amendments thereto.

(b) "Corrective order" means an order issued by the commissioner specifying corrective actions that the commissioner has determined are required to address an RBC level event.

(c) "Domestic insurer" means any insurance company or risk retention group that is licensed and organized in this state.

(d) "Foreign insurer" means any insurance company or risk retention group not domiciled in this state that is licensed or registered to do business in this state pursuant to article 41 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 40-209, and amendments thereto.

(e) "NAIC" means the national association of insurance commissioners.

(f) "Life and health insurer" means any insurance company licensed under article 4 or 5 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or a licensed property and casualty insurer writing only accident and health insurance.

(g) "Property and casualty insurer" means any insurance company licensed under articles 9, 10, 11, 12, 12a, 15 or 16 of chapter 40 of the Kansas Statutes Annotated, and

amendments thereto, but shall not include monoline mortgage guaranty insurers, financial guaranty insurers and title insurers.

(h) "Negative trend" means, with respect to a life and health insurer, a negative trend over a period of time, as determined in accordance with the "trend test calculation" included in the RBC instructions defined in subsection (j).

(i) "RBC" means risk-based capital.

(j) "RBC instructions" means the risk-based capital instructions promulgated by the NAIC that are in effect on December 31, ~~2019~~ 2020, or any later version promulgated by the NAIC as may be adopted by the commissioner under K.S.A. 2020 Supp. 40-2c29, and amendments thereto.

(k) "RBC level" means an insurer's company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC where:

(1) "Company action level RBC" means, with respect to any insurer, the product of 2.0 and its authorized control level RBC;

(2) "regulatory action level RBC" means the product of 1.5 and its authorized control level RBC;

(3) "authorized control level RBC" means the number determined under the risk-based capital formula in accordance with the RBC instructions; and

(4) "mandatory control level RBC" means the product of 0.70 and the authorized control level RBC.

(l) "RBC plan" means a comprehensive financial plan containing the elements specified in K.S.A. 40-2c06, and amendments thereto. If the commissioner rejects the RBC plan, and it is revised by the insurer, with or without the commissioner's recommendation, the plan shall be called the "revised RBC plan."

(m) "RBC report" means the report required by K.S.A. 40-2c02, and amendments thereto.

(n) "Total adjusted capital" means the sum of:

(1) An insurer's capital and surplus or surplus only if a mutual insurer; and

(2) such other items, if any, as the RBC instructions may provide.

(o) "Commissioner" means the commissioner of insurance.";

On page 68, following line 15, by inserting:

"Sec. 13. K.S.A. 2020 Supp. 40-3402 is hereby amended to read as follows: 40-3402. (a) Prior to January 1, 2022, a policy of professional liability insurance approved by the commissioner and issued by an insurer duly authorized to transact business in this state in which the limit of the insurer's liability is not less than \$200,000 per claim, subject to not less than a \$600,000 annual aggregate for all claims made during the policy period, shall be maintained in effect by each resident healthcare provider as a condition of active licensure or other statutory authorization to render professional service as a healthcare provider in this state, unless such healthcare provider is a self-insurer. For all new policies and policies that renew on and after January 1, 2022, a policy of professional liability insurance approved by the commissioner and issued by an insurer duly authorized to transact business in this state in which the limit of the insurer's liability is not less than \$500,000 per claim, subject to not less than a \$1,500,000 annual aggregate for all claims made during the policy period, shall be maintained by each resident healthcare provider as a condition of active licensure or other statutory authorization to render professional service as a healthcare provider in this state, unless such healthcare provider is a self-insurer. This provision shall not

apply to optometrists and pharmacists on ~~or~~ and after July 1, 1991 ~~nor~~, to physical therapists on and after July 1, 1995 ~~nor~~, or to health maintenance organizations on ~~or~~ and after July 1, 1997. Such policy shall provide as a minimum coverage for claims made during the term of the policy ~~which~~ that were incurred during the term of such policy or during the prior term of a similar policy. Any insurer offering such policy of professional liability insurance to any healthcare provider may offer to such healthcare provider a policy as prescribed in this section with deductible options. Such deductible shall be within such policy limits.

(1) Each insurer providing basic coverage shall, within 30 days after the effective date of any policy issued in accordance with this subsection, notify the board of governors that such coverage is or will be in effect. Such notification shall be on a form approved by the board of governors and shall include information identifying the professional liability policy issued or to be issued, the name and address of all healthcare providers covered by the policy, the amount of the annual premium, the effective and expiration dates of the coverage and such other information as the board of governors shall require. A copy of the notice required by this subsection shall be furnished to the named insured.

(2) In the event of termination of basic coverage by cancellation, nonrenewal, expiration or otherwise by either the insurer or named insured, notice of such termination shall be furnished by the insurer to the board of governors, the state agency which licenses, registers or certifies the named insured and the named insured. Such notice shall be provided no less than 30 days prior to the effective date of any termination initiated by the insurer or within 10 business days after the date coverage is terminated at the request of the named insured and shall include the name and address of the healthcare provider or providers for whom basic coverage is terminated and the date basic coverage will cease to be in effect. No basic coverage shall be terminated by cancellation or failure to renew by the insurer unless such insurer provides a notice of termination as required by this subsection.

(3) Any professional liability insurance policy issued, delivered or in effect in this state on and after July 1, 1976, shall contain or be endorsed to provide basic coverage as required by subsection (a) ~~of this section~~. Notwithstanding any omitted or inconsistent language, any contract of professional liability insurance shall be construed to obligate the insurer to meet all the mandatory requirements and obligations of this act. The liability of an insurer for claims made prior to July 1, 1984, shall not exceed those limits of insurance provided by such policy prior to July 1, 1984.

(b) A nonresident healthcare provider shall not be licensed to actively render professional service as a healthcare provider in this state unless such healthcare provider maintains continuous coverage in effect as prescribed by subsection (a), except such coverage may be provided by a nonadmitted insurer who has filed the form required by subsection (b)(1). This provision shall not apply to optometrists and pharmacists on ~~or~~ and after July 1, 1991 ~~nor~~, or to physical therapists on and after July 1, 1995.

(1) Every insurance company authorized to transact business in this state, that is authorized to issue professional liability insurance in any jurisdiction, shall file with the commissioner, as a condition of its continued transaction of business within this state, a form prescribed by the commissioner declaring that its professional liability insurance policies, wherever issued, shall be deemed to provide at least the insurance required by

this subsection when the insured is rendering professional services as a nonresident healthcare provider in this state. Any nonadmitted insurer may file such a form.

(2) Every nonresident healthcare provider ~~who that~~ is required to maintain basic coverage pursuant to this subsection shall pay the surcharge levied by the board of governors pursuant to ~~subsection (a) of K.S.A. 40-3404(a)~~, and amendments thereto, directly to the board of governors and shall furnish to the board of governors the information required in subsection (a)(1).

(c) Every healthcare provider that is a self-insurer, the university of Kansas medical center for persons engaged in residency training, as described in ~~subsection (r)(1) of K.S.A. 40-3401(r)(1)~~, and amendments thereto, the employers of persons engaged in residency training, as described in ~~subsection (r)(2) of K.S.A. 40-3401(r)(2)~~, and amendments thereto, the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center or a medical care facility or mental health center for self-insurers under ~~subsection (e) of K.S.A. 40-3414(e)~~, and amendments thereto, shall pay the surcharge levied by the board of governors pursuant to ~~subsection (a) of K.S.A. 40-3404(a)~~, and amendments thereto, directly to the board of governors and shall furnish to the board of governors the information required in ~~subsection (a)(1) and (a)(2)~~ subsections (a)(1) and (a)(2).

(d) In lieu of a claims made policy otherwise required under this section, a person engaged in residency training who is providing services as a healthcare provider but, while providing such services, is not covered by the self-insurance provisions of ~~subsection (d) of K.S.A. 40-3414(d)~~, and amendments thereto, may obtain basic coverage under an occurrence form policy, if such policy provides professional liability insurance coverage and limits ~~which that~~ are substantially the same as the professional liability insurance coverage and limits required by ~~subsection (a) of K.S.A. 40-3402(a)~~, and amendments thereto. Where such occurrence form policy is in effect, the provisions of the healthcare provider insurance availability act referring to claims made policies shall be construed to mean occurrence form policies.

(e) In lieu of a claims made policy otherwise required under this section, a nonresident healthcare provider employed pursuant to a locum tenens contract to provide services in this state as a healthcare provider may obtain basic coverage under an occurrence form policy, if such policy provides professional liability insurance coverage and limits ~~which that~~ are substantially the same as the professional liability insurance coverage and limits required by K.S.A. 40-3402, and amendments thereto. Where such occurrence form policy is in effect, the provisions of the healthcare provider insurance availability act referring to claims made policies shall be construed to mean occurrence form policies.

Sec. 14. K.S.A. 2020 Supp. 40-3403 is hereby amended to read as follows: 40-3403. (a) For the purpose of paying damages for personal injury or death arising out of the rendering of or the failure to render professional services by a healthcare provider, self-insurer or inactive health care provider subsequent to the time that such healthcare provider or self-insurer has qualified for coverage under the provisions of this act, there is hereby established the healthcare stabilization fund. The fund shall be held in trust in the state treasury and accounted for separately from other state funds. The board of governors shall administer the fund or contract for the administration of the fund with an insurance company authorized to do business in this state.

(b) (1) There is hereby created a board of governors that shall be composed of such

members and shall have such powers, duties and functions as are prescribed by this act. The board of governors shall:

(A) Administer the fund and exercise and perform other powers, duties and functions required of the board under the healthcare provider insurance availability act;

(B) provide advice, information and testimony to the appropriate licensing or disciplinary authority regarding the qualifications of a healthcare provider;

(C) prepare and publish, on or before October 1 of each year, a report for submission to the healthcare stabilization fund oversight committee that includes a summary of the fund's activity during the preceding fiscal year, including, but not limited to, the amount collected from surcharges, the highest and lowest surcharges assessed, the amount paid from the fund, the number of judgments paid from the fund, the number of settlements paid from the fund and the fund balance at the end of the fiscal year; and

(D) have the authority to grant temporary exemptions from the provisions of K.S.A. 40-3402 and 40-3404, and amendments thereto, to healthcare providers who have exceptional circumstances and verify in writing that the healthcare provider will not render professional services in this state during the period of exemption. Whenever the board grants such an exemption, the board shall notify the state agency that licenses the exempted healthcare provider.

(2) The board shall consist of 11 persons appointed by the commissioner of insurance, as provided by this subsection and as follows:

(A) Three members who are on a list of nominees submitted to the commissioner by the Kansas medical society, at least two of whom are doctors of medicine who are licensed to practice medicine and surgery in Kansas ~~who are doctors of medicine and who are on a list of nominees submitted to the commissioner by the Kansas medical society;~~

(B) three members who are on a list of nominees submitted to the commissioner by the Kansas hospital association and who are representatives of Kansas hospitals ~~and who are on a list of nominees submitted to the commissioner by the Kansas hospital association;~~

(C) two members who are on a list of nominees submitted to the commissioner by the Kansas association of osteopathic medicine, who are licensed to practice medicine and surgery in Kansas and who are doctors of osteopathic medicine ~~and who are on a list of nominees submitted to the commissioner by the Kansas association of osteopathic medicine;~~

(D) one member who is on a list of nominees submitted to the commissioner by the Kansas chiropractic association and who is licensed to practice chiropractic in Kansas ~~and who is on a list of nominees submitted to the commissioner by the Kansas chiropractic association;~~

(E) one member who is on a list of nominees submitted to the commissioner by the Kansas association of nurse anesthetists and who is a licensed professional nurse authorized to practice as a registered nurse anesthetist ~~who is on a list of nominees submitted to the commissioner by the Kansas association of nurse anesthetists;~~ and

(F) one member who is on a list of nominees submitted to the commissioner by statewide associations comprised of members who represent adult care homes and who is a representative of adult care homes ~~who is on a list of nominees submitted to the commissioner by statewide associations comprised of members who represent adult~~

care homes.

(3) When a vacancy occurs in the membership of the board of governors created by this act, the commissioner shall appoint a successor of like qualifications from a list of three nominees submitted to the commissioner by the professional society or association prescribed by this section for the category of healthcare provider required for the vacant position on the board of governors. All appointments made shall be for a term of office of four years, but no member shall be appointed for more than two successive four-year terms. Each member shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the board of governors created by this act for any reason other than the expiration of a member's term of office, the commissioner shall appoint a successor of like qualifications to fill the unexpired term. In each case of a vacancy occurring in the membership of the board of governors, the commissioner shall notify the professional society or association that represents the category of healthcare provider required for the vacant position and request a list of three nominations of healthcare providers from which to make the appointment.

(4) The board of governors shall organize in July of each year and shall elect a chairperson and vice-chairperson from among its membership. Meetings shall be called by the chairperson or by a written notice signed by three members of the board.

(5) The board of governors, in addition to other duties imposed by this act, shall study and evaluate the operation of the fund and make such recommendations to the legislature as may be appropriate to ensure the viability of the fund.

(6) (A) The board shall appoint an executive director who shall be in the unclassified service under the Kansas civil service act and may employ attorneys and other employees who shall also be in the unclassified service under the Kansas civil service act. Such executive director, attorneys and other employees shall receive compensation fixed by the board, in accordance with appropriation acts of the legislature, not subject to approval of the governor.

(B) The board may provide all office space, services, equipment, materials and supplies, and all budgeting, personnel, purchasing and related management functions required by the board in the exercise of the powers, duties and functions imposed or authorized by the healthcare provider insurance availability act or may enter into a contract with the commissioner of insurance for the provision, by the commissioner, of all or any part thereof.

(7) The commissioner shall:

(A) Provide technical and administrative assistance to the board of governors with respect to administration of the fund upon request of the board; and

(B) provide such expertise as the board may reasonably request with respect to evaluation of claims or potential claims.

(c) Except as otherwise provided by any other provision of this act, the fund shall be liable to pay:

(1) Any amount due from a judgment or settlement that is in excess of the basic coverage liability of all liable resident healthcare providers or resident self-insurers for any personal injury or death arising out of the rendering of or the failure to render professional services within or without this state;

(2) subject to the provisions of ~~subsections subsection (f) and (m)~~, any amount due from a judgment or settlement that is in excess of the basic coverage liability of all liable nonresident healthcare providers or nonresident self-insurers for any such injury

or death arising out of the rendering or the failure to render professional services within this state but in no event shall the fund be obligated for claims against nonresident healthcare providers or nonresident self-insurers who have not complied with this act or for claims against nonresident healthcare providers or nonresident self-insurers that arose outside of this state;

(3) subject to the provisions of ~~subsections~~ subsection (f) ~~and (m)~~, any amount due from a judgment or settlement against a resident inactive healthcare provider for any such injury or death arising out of the rendering of or failure to render professional services;

(4) subject to the provisions of ~~subsections~~ subsection (f) ~~and (m)~~, any amount due from a judgment or settlement against a nonresident inactive healthcare provider for any injury or death arising out of the rendering or failure to render professional services within this state, but in no event shall the fund be obligated for claims against nonresident inactive healthcare providers:

(A) ~~Nonresident inactive healthcare providers~~ Who have not complied with this act; or

(B) ~~nonresident inactive healthcare providers~~ for claims that arose outside of this state, unless such healthcare provider was a resident healthcare provider or resident self-insurer at the time such act occurred;

(5) subject to K.S.A. 40-3411(b), and amendments thereto, reasonable and necessary expenses for attorney fees, depositions, expert witnesses and other costs incurred in defending the fund against claims, and such expenditures shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto;

(6) any amounts expended for reinsurance obtained to protect the best interests of the fund purchased by the board of governors, which purchase shall be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, but shall not be subject to the provisions of K.S.A. 75-4101, and amendments thereto;

(7) reasonable and necessary actuarial expenses incurred in administering the act, including expenses for any actuarial studies contracted for by the legislative coordinating council, and such expenditures shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto;

(8) periodically to the plan or plans, any amount due pursuant to K.S.A. 40-3413(a) (3), and amendments thereto;

(9) reasonable and necessary expenses incurred by the board of governors in the administration of the fund or in the performance of other powers, duties or functions of the board under the healthcare provider insurance availability act;

(10) surcharge refunds payable when the notice of cancellation requirements of K.S.A. 40-3402, and amendments thereto, are met;

(11) subject to K.S.A. 40-3411(b), and amendments thereto, reasonable and necessary expenses for attorney fees and other costs incurred in defending a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center or any nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine from claims for personal injury or death arising out of the rendering of or the failure to render professional services by such healthcare provider;

(12) ~~notwithstanding the provisions of subsection (m),~~ any amount due from a judgment or settlement for an injury or death arising out of the rendering of or failure to render professional services by a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center or any nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine;

(13) subject to the provisions of K.S.A. 65-429, and amendments thereto, reasonable and necessary expenses for the development and promotion of risk management education programs and for the medical care facility licensure and risk management survey functions carried out under K.S.A. 65-429, and amendments thereto;

(14) ~~notwithstanding the provisions of subsection (m),~~ any amount, but not less than the required basic coverage limits, owed pursuant to a judgment or settlement for any injury or death arising out of the rendering of or failure to render professional services by a person, other than a person described in paragraph (12), who was engaged in a postgraduate program of residency training approved by the state board of healing arts but who, at the time the claim was made, was no longer engaged in such residency program;

(15) subject to K.S.A. 40-3411(b), and amendments thereto, reasonable and necessary expenses for attorney fees and other costs incurred in defending a person described in paragraph (14);

(16) expenses incurred by the commissioner in the performance of duties and functions imposed upon the commissioner by the healthcare provider insurance availability act, and expenses incurred by the commissioner in the performance of duties and functions under contracts entered into between the board and the commissioner as authorized by this section; and

(17) periodically to the state general fund reimbursements of amounts paid to members of the healthcare stabilization fund oversight committee for compensation, travel expenses and subsistence expenses pursuant to K.S.A. 40-3403b(e), and amendments thereto.

(d) All amounts for which the fund is liable pursuant to subsection (c) shall be paid promptly and in full except that, if the amount for which the fund is liable is ~~\$300,000~~ \$500,000 or more, it shall be paid by installment payments of ~~\$300,000~~ \$500,000 or 10% of the amount of the judgment including interest thereon, whichever is greater, per fiscal year, the first installment to be paid within 60 days after the fund becomes liable and each subsequent installment to be paid annually on the same date of the year the first installment was paid, until the claim has been paid in full.

(e) In no event shall the fund be liable to pay in excess of \$3,000,000 pursuant to any one judgment or settlement against any one healthcare provider relating to any injury or death arising out of the rendering of or the failure to render professional services on and after July 1, 1984, and before July 1, 1989, subject to an aggregate limitation for all judgments or settlements arising from all claims made in any one fiscal year in the amount of \$6,000,000 for each healthcare provider.

(f) In no event shall the fund be liable to pay in excess of the amounts specified in the option selected by an active or inactive healthcare provider pursuant to subsection

(l) for judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services by such healthcare provider on or after July 1, 1989.

(g) A healthcare provider shall be deemed to have qualified for coverage under the fund:

- (1) On and after July 1, 1976, if basic coverage is then in effect;
- (2) subsequent to July 1, 1976, at such time as basic coverage becomes effective; or
- (3) upon qualifying as a self-insurer pursuant to K.S.A. 40-3414, and amendments thereto.

(h) A healthcare provider who is qualified for coverage under the fund shall have no vicarious liability or responsibility for any injury or death arising out of the rendering of or the failure to render professional services inside or outside this state by any other healthcare provider who is also qualified for coverage under the fund. The provisions of this subsection shall apply to all claims filed on or after July 1, 1986.

(i) Notwithstanding the provisions of K.S.A. 40-3402, and amendments thereto, if the board of governors determines due to the number of claims filed against a healthcare provider or the outcome of those claims that an individual healthcare provider presents a material risk of significant future liability to the fund, the board of governors is authorized by a vote of a majority of the members thereof, after notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, to terminate the liability of the fund for all claims against the healthcare provider for damages for death or personal injury arising out of the rendering of or the failure to render professional services after the date of termination. The date of termination shall be 30 days after the date of the determination by the board of governors. The board of governors, upon termination of the liability of the fund under this subsection, shall notify the licensing or other disciplinary board having jurisdiction over the healthcare provider involved of the name of the healthcare provider and the reasons for the termination.

(j) (1) Subject to the provisions of paragraph (7), upon the payment of moneys from the healthcare stabilization fund pursuant to subsection (c)(11), the board of governors shall certify to the secretary of administration the amount of such payment, and the secretary of administration shall transfer an amount equal to the amount certified, reduced by any amount transferred pursuant to paragraph (3) or (4), from the state general fund to the healthcare stabilization fund.

(2) Subject to the provisions of paragraph (7), upon the payment of moneys from the healthcare stabilization fund pursuant to subsection (c)(12), the board of governors shall certify to the secretary of administration the amount of such payment that is equal to the basic coverage liability of self-insurers, and the secretary of administration shall transfer an amount equal to the amount certified, reduced by any amount transferred pursuant to paragraph (3) or (4), from the state general fund to the healthcare stabilization fund.

(3) The university of Kansas medical center private practice foundation reserve fund is hereby established in the state treasury. If the balance in such reserve fund is less than \$500,000 on July 1 of any year, the private practice corporations or foundations referred to in K.S.A. 40-3402(c), and amendments thereto, shall remit the amount necessary to increase such balance to \$500,000 to the state treasurer for credit to such reserve fund as soon after such July 1 date as is practicable. Upon receipt of each such

remittance, the state treasurer shall credit the same to such reserve fund. When compliance with the foregoing provisions of this paragraph have been achieved on or after July 1 of any year in which the same are applicable, the state treasurer shall certify to the board of governors that such reserve fund has been funded for the year in the manner required by law. Moneys in such reserve fund may be invested or reinvested in accordance with the provisions of K.S.A. 40-3406, and amendments thereto, and any income or interest earned by such investments shall be credited to such reserve fund. Upon payment of moneys from the healthcare stabilization fund pursuant to subsection (c)(11) or (c)(12) with respect to any private practice corporation or foundation or any of its full-time physician faculty employed by the university of Kansas, the secretary of administration shall transfer an amount equal to the amount paid from the university of Kansas medical center private practice foundation reserve fund to the healthcare stabilization fund or, if the balance in such reserve fund is less than the amount so paid, an amount equal to the balance in such reserve fund.

(4) The graduate medical education administration reserve fund is hereby established in the state treasury. If the balance in such reserve fund is less than \$40,000 on July 1 of any year, the nonprofit corporations organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall remit the amount necessary to increase such balance to \$40,000 to the state treasurer for credit to such reserve fund as soon after such July 1 date as is practicable. Upon receipt of each such remittance, the state treasurer shall credit the same to such reserve fund. When compliance with the foregoing provisions of this paragraph have been achieved on or after July 1 of any year in which the same are applicable, the state treasurer shall certify to the board of governors that such reserve fund has been funded for the year in the manner required by law. Moneys in such reserve fund may be invested or reinvested in accordance with the provisions of K.S.A. 40-3406, and amendments thereto, and any income or interest earned by such investments shall be credited to such reserve fund. Upon payment of moneys from the healthcare stabilization fund pursuant to subsection (c)(11) or (c)(12) with respect to any nonprofit corporations organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine the secretary of administration shall transfer an amount equal to the amount paid from the graduate medical education administration reserve fund to the healthcare stabilization fund or, if the balance in such reserve fund is less than the amount so paid, an amount equal to the balance in such reserve fund.

(5) Upon payment of moneys from the healthcare stabilization fund pursuant to subsection (c)(14) or (c)(15), the board of governors shall certify to the secretary of administration the amount of such payment, and the secretary of administration shall transfer an amount equal to the amount certified from the state general fund to the healthcare stabilization fund.

(6) Transfers from the state general fund to the healthcare stabilization fund pursuant to this subsection shall not be subject to the provisions of K.S.A. 75-3722, and amendments thereto.

(7) The funds required to be transferred from the state general fund to the healthcare stabilization fund pursuant to paragraphs (1) and (2) for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013, shall not be transferred prior to July 1, 2013. The secretary of administration shall maintain a record

of the amounts certified by the board of governors pursuant to paragraphs (1) and (2) for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013. Beginning July 1, 2013, in addition to any other transfers required pursuant to subsection (j), the state general fund transfers that are deferred pursuant to this paragraph shall be transferred from the state general fund to the healthcare stabilization fund in the following manner: On July 1, 2013, and annually thereafter through July 1, 2018, an amount equal to 20% of the total amount of state general fund transfers deferred pursuant to this paragraph for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013. The amounts deferred pursuant to this paragraph shall not accrue interest thereon.

(k) Notwithstanding any other provision of the healthcare provider insurance availability act, no psychiatric hospital licensed under K.S.A. 2020 Supp. 39-2001 et seq., and amendments thereto, shall be assessed a premium surcharge or be entitled to coverage under the fund if such hospital has not paid any premium surcharge pursuant to K.S.A. 40-3404, and amendments thereto, prior to January 1, 1988.

(l) (1) On or after July 1, 1989, and prior to January 1, 2022, every healthcare provider shall make an election to be covered by one of the following options provided in this subsection subparagraph (A) that shall limit the liability of the fund with respect to judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services on or after July 1, 1989. On and after January 1, 2022, every healthcare provider shall make an election to be covered by one of the following options provided in subparagraph (B) that shall limit the liability of the fund with respect to judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services on or after January 1, 2022. Such election shall be made at the time the healthcare provider renews the basic coverage ~~in effect on July 1, 1989~~, or, if basic coverage is not in effect, such election shall be made at the time such coverage is acquired pursuant to K.S.A. 40-3402, and amendments thereto. A medical care facility or a healthcare facility deemed qualified as a self-insurer under K.S.A. 40-3414(a), and amendments thereto, may opt out of the requirements set forth in subparagraph (B) if such medical care facility or healthcare facility substantially meets the minimum coverage requirements of this section through coverage provided by the captive insurance company of such medical care facility or healthcare facility. Notice of the election shall be provided by the insurer providing the basic coverage in the manner and form prescribed by the board of governors and shall continue to be effective from year to year unless modified by a subsequent election made prior to the anniversary date of the policy. The healthcare provider may at any subsequent election reduce the dollar amount of the coverage for the next and subsequent fiscal years, but may not increase the same, unless specifically authorized by the board of governors. Any election of fund coverage limits, whenever made, shall be with respect to judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services on or after the effective date of such election of fund coverage limits. Such election shall be made for persons engaged in residency training and persons engaged in other postgraduate training programs approved by the state board of healing arts at medical care facilities or mental health centers in this state by the agency or institution paying the surcharge levied under K.S.A. 40-3404, and amendments thereto, for such persons. The election of fund coverage limits for a nonprofit corporation organized to administer the graduate medical

education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be deemed to be effective at the highest option. Such options shall be as follows:

~~(A)~~ (i) *OPTION 1.* The fund shall not be liable to pay in excess of \$100,000 pursuant to any one judgment or settlement for any party against such healthcare provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$300,000 for such provider.

~~(B)~~ (ii) *OPTION 2.* The fund shall not be liable to pay in excess of \$300,000 pursuant to any one judgment or settlement for any party against such healthcare provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$900,000 for such provider.

~~(C)~~ (iii) *OPTION 3.* The fund shall not be liable to pay in excess of \$800,000 pursuant to any one judgment or settlement for any party against such healthcare provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$2,400,000 for such healthcare provider.

(B) (i) *OPTION 1.* The fund shall not be liable to pay in excess of \$500,000 pursuant to any one judgment or settlement for any party against such healthcare provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$1,500,000 for such healthcare provider.

(ii) *OPTION 2.* The fund shall not be liable to pay in excess of \$1,500,000 pursuant to any one judgment or settlement for any party against such healthcare provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$4,500,000 for such healthcare provider.

(2) The board of governors shall have the authority to adjust the amounts provided in subparagraph (B) as the board deems necessary to effectuate the provisions of the healthcare provider insurance availability act, except that the minimum coverage for a healthcare provider shall not be less than \$1,000,000 per claim and \$3,000,000 in the aggregate.

~~(m) The fund shall not be liable for any amounts due from a judgment or settlement against resident or nonresident inactive healthcare providers who first qualify as an inactive healthcare provider on or after July 1, 1989, unless such healthcare provider has been in compliance with K.S.A. 40-3402, and amendments thereto, for a period of not less than five years. If a healthcare provider has not been in compliance for five years, such healthcare provider may make application and payment for the coverage for the period while they are nonresident healthcare providers, nonresident self-insurers or resident or nonresident inactive healthcare providers to the fund. Such payment shall be made within 30 days after the healthcare provider ceases being an active healthcare provider and shall be made in an amount determined by the board of governors to be sufficient to fund anticipated claims based upon reasonably prudent actuarial principles. The provisions of this subsection shall not be applicable to any healthcare provider that becomes inactive through death or retirement, or through disability or circumstances beyond such healthcare provider's control, if such healthcare provider notifies the board of governors and receives approval for an exemption from the provisions of this subsection. Any period spent in a postgraduate program of residency training approved by the state board of healing arts shall not be included in computation of time spent in~~

~~compliance with the provisions of K.S.A. 40-3402, and amendments thereto. The provisions of this subsection shall expire on July 1, 2014.~~

~~(n)~~—In the event of a claim against a healthcare provider for personal injury or death arising out of the rendering of or the failure to render professional services by such healthcare provider, the liability of the fund shall be limited to the amount of coverage selected by the healthcare provider at the time of the incident giving rise to the claim.

~~(n)~~ Notwithstanding anything in article 34 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, to the contrary, the fund shall in no event be liable for any claims against any healthcare provider based upon or relating to the healthcare provider's sexual acts or activity, but in such cases the fund may pay reasonable and necessary expenses for attorney fees incurred in defending the fund against such claim. The fund may recover all or a portion of such expenses for attorney fees if an adverse judgment is returned against the healthcare provider for damages resulting from the healthcare provider's sexual acts or activity.

Sec. 15. K.S.A. 2020 Supp. 40-3408 is hereby amended to read as follows: 40-3408. (a) ~~The insurer of a healthcare provider covered by the fund or self-insurer shall be liable only for the first \$200,000 of a claim for personal injury or death arising out of the rendering of or the failure to render professional services by such healthcare provider, subject to an annual aggregate of \$600,000 for all such claims against the healthcare provider. For a claim for personal injury or death arising out of the rendering of or the failure to render professional services by a healthcare provider, the insurer of a healthcare provider covered by the fund or self-insurer shall be liable only for the amount of basic coverage in effect on the date of the incident giving rise to the claim, subject to an annual aggregate amount of not less than three times the primary amount for all such claims against the healthcare provider. However,~~ If any liability insurance in excess of such amounts is applicable to any claim or would be applicable in the absence of this act, any payments from the fund shall be excess over such amounts paid, payable or that would have been payable in the absence of this act.

(b) If any inactive healthcare provider has liability insurance in effect ~~which that~~ is applicable to any claim or would be applicable in the absence of this act, any payments from the fund shall be excess over such amounts paid, payable or that would have been payable in the absence of this act.

(c) Notwithstanding anything in article 34 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, to the contrary, an insurer that provides coverage to a healthcare provider may exclude from coverage any liability incurred by such provider:

(1) From the rendering of or the failure to render professional services by any other healthcare provider who is required by K.S.A. 40-3402, and amendments thereto, to maintain professional liability insurance in effect as a condition to rendering professional services as a healthcare provider in this state; or

(2) based upon or relating to the healthcare provider's sexual acts or activity, but in such cases the insurer may provide reasonable and necessary expenses for attorney fees incurred in defending against such claim. The insurer may recover all or a portion of such expenses for attorney fees if an adverse judgment is returned against the healthcare provider for damages resulting from the healthcare provider's sexual acts or activity.

(d) The fund shall not be liable for payment of any claim excluded by an insurer pursuant to this section or any claim otherwise excluded from coverage under a

healthcare provider's professional liability insurance.

(e) Notwithstanding any provision of article 34 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, to the contrary, an insurer that provides coverage to a healthcare provider may exclude from coverage:

(1) Any liability incurred by such healthcare provider as a result of professional services rendered as a charitable healthcare provider; or

(2) any liability incurred by such healthcare provider that is covered under the federal tort claims act pursuant to chapter 171 of title 28 of the United States code.

Sec. 16. K.S.A. 40-3409 is hereby amended to read as follows: 40-3409. (a) (1) In any action filed in this state for personal injury or death arising out of the rendering of or the failure to render professional services by any ~~health-care~~ healthcare provider covered by the fund or any inactive ~~health-care~~ healthcare provider covered by the fund, the plaintiff shall serve a copy of the petition upon the board of governors by registered mail, certified mail, priority mail, commercial delivery service or first class mail within ~~40~~ 30 calendar days from filing the same, and if such service is not made the fund shall not be liable for any amount due from a judgment or a settlement nor, in such case, shall the ~~health-care~~ healthcare provider or the provider's insurer or the inactive ~~health-care~~ healthcare provider or the provider's insurer be liable for such amount that, if such service had been made, would have been paid by the fund; (2) in any action filed outside of this state for personal injury or death arising out of the rendering of or the failure to render professional services by any ~~health-care~~ healthcare provider or any inactive ~~health-care~~ healthcare provider covered by the fund, the inactive ~~health-care~~ healthcare provider, the self-insurer or the insurer of a ~~health-care~~ healthcare provider or an inactive ~~health-care~~ healthcare provider shall notify the board of governors, as soon as it is reasonably practicable, that such summons or petition has been filed. If the petition names as a defendant in the action a ~~health-care~~ healthcare provider who is licensed, registered or certified by the state board of healing arts, the board of governors shall forward a copy of the petition to the state board of healing arts.

(b) Such action shall be defended by the insurer or the self-insurer, but if the board of governors believes it to be in the best interests of the fund, the board of governors may employ independent counsel to represent the interests of the fund. The cost of employing such counsel shall be paid from the fund. The board of governors is authorized to employ independent counsel in any such action against an inactive ~~health-care~~ healthcare provider covered by the fund.

(c) The attorneys of record and the board of governors shall submit to the state board of healing arts expert witness reports which have been made available to the opposing parties in the case and, upon the request of the state board of healing arts, any depositions, interrogatories, admissions or other relevant information concerning the case which has been made available to the opposing parties in the case shall also be submitted. The board of governors shall not be required to furnish information not in the possession of the board of governors. Any report or other information made available to the state board of healing arts in accordance with this subsection shall be subject to K.S.A. 65-2898a and amendments thereto. Reasonable expenses incurred in reproducing such reports or other information shall be paid by the state board of healing arts.

Sec. 17. K.S.A. 2020 Supp. 40-3414 is hereby amended to read as follows: 40-3414. (a) (1) Any ~~health-care~~ healthcare provider or any ~~health-care~~ healthcare system

organized and existing under the laws of this state which owns and operates more than one medical care facility or more than one ~~health care~~ healthcare facility, as defined in K.S.A. 40-3401, and amendments thereto, licensed by the state of Kansas, whose aggregate annual insurance premium is or would be ~~\$100,000~~ \$150,000 or more for basic coverage calculated in accordance with rating procedures approved by the commissioner pursuant to K.S.A. 40-3413, and amendments thereto, may qualify as a self-insurer by obtaining a certificate of self-insurance from the board of governors. Upon application of any such ~~health care~~ healthcare provider or ~~health care~~ healthcare system, on a form prescribed by the board of governors, the board of governors may issue a certificate of self-insurance if the board of governors is satisfied that the applicant ~~is possessed~~ possesses and will continue to ~~be possessed of~~ possess the ability to pay any judgment for which liability exists equal to the amount of basic coverage required of a ~~health care~~ healthcare provider obtained against such applicant arising from the applicant's rendering of professional services as a ~~health care~~ healthcare provider.

(2) In making such determination the board of governors shall consider:

~~(1)(A)~~ The financial condition of the applicant;

~~(2)(B)~~ the procedures adopted and followed by the applicant to process and handle claims and potential claims;

~~(3)(C)~~ the amount and liquidity of assets reserved for the settlement of claims or potential claims; and

~~(4)(D)~~ any other ~~relevant~~ the board deems relevant.

(3) Any applicant for self-insurance that owns and operates more than one medical care facility or more than one healthcare facility shall be deemed qualified by the board of governors if such applicant is insured by a captive insurance company, as defined in K.S.A. 40-4301, and amendments thereto, or under the laws of the state of domicile of any such captive insurance company.

(4) The certificate of self-insurance may contain reasonable conditions prescribed by the board of governors. Upon notice and a hearing in accordance with the provisions of the Kansas administrative procedure act, the board of governors may cancel a certificate of self-insurance upon reasonable grounds therefor. Failure to pay any judgment for which the self-insurer is liable arising from the self-insurer's rendering of professional services as a ~~health care~~ healthcare provider, the failure to comply with any provision of this act or the failure to comply with any conditions contained in the certificate of self-insurance shall be reasonable grounds for the cancellation of such certificate of self-insurance. The provisions of this subsection shall not apply to the Kansas soldiers' home, the Kansas veterans' home or to any ~~person~~ individual who is a self-insurer pursuant to subsection (d) or (e).

(b) Any such ~~health care~~ healthcare provider or ~~health care~~ healthcare system that holds a certificate of self-insurance shall pay the applicable surcharge set forth in K.S.A. 40-3402(c), and amendments thereto.

(c) The Kansas soldiers' home and the Kansas veterans' home shall be self-insurers and shall pay the applicable surcharge set forth in K.S.A. 40-3402(c), and amendments thereto.

(d) Persons~~Individuals~~ engaged in residency training as provided in K.S.A. 40-3401(r)(1) and (2), and amendments thereto, shall be self-insured by the state of Kansas for occurrences arising during such training, and such ~~person~~ individual shall be

deemed a self-insurer for the purposes of the ~~health care~~ healthcare provider insurance availability act. Such self-insurance shall be applicable to ~~a person~~ an individual engaged in residency training only when such ~~person~~ individual is engaged in medical activities which do not include extracurricular, extra-institutional medical service for which such ~~person~~ individual receives extra compensation and which have not been approved as provided in K.S.A. 40-3401(r)(1) and (2), and amendments thereto.

(e) (1) ~~A person~~ An individual engaged in a postgraduate training program approved by the state board of healing arts at a medical care facility or mental health center in this state may be self-insured by such medical care facility or mental health center in accordance with this subsection ~~(e)~~ and in accordance with such terms and conditions of eligibility therefor as may be specified by the medical care facility or mental health center and approved by the board of governors. ~~A person~~ An individual self-insured under this subsection ~~(e)~~ by a medical care facility or mental health center shall be deemed a self-insurer for purposes of the ~~health care~~ healthcare provider insurance availability act. Upon application by a medical care facility or mental health center, on a form prescribed by the board of governors, the board of governors may authorize such medical care facility or mental health center to self-insure ~~persons~~ individuals engaged in postgraduate training programs approved by the state board of healing arts at such medical care facility or mental health center if the board of governors is satisfied that the medical care facility or mental health center is possessed and will continue to be possessed of ability to pay any judgment for which liability exists equal to the amount of basic coverage required of a ~~health care~~ healthcare provider obtained against ~~a person~~ an individual engaged in such a postgraduate training program and arising from such ~~person's individual's~~ rendering of or failure to render professional services as a ~~health care~~ healthcare provider.

(2) In making such determination the board of governors shall consider:

- (A) The financial condition of the medical care facility or mental health center;
- (B) the procedures adopted by the medical care facility or mental health center to process and handle claims and potential claims;
- (C) the amount and liquidity of assets reserved for the settlement of claims or potential claims by the medical care facility or mental health center; and
- (D) any other factors the board of governors deems relevant.

The board of governors may specify such conditions for the approval of an application as the board of governors deems necessary. Upon approval of an application, the board of governors shall issue a certificate of self-insurance to each ~~person~~ individual engaged in such postgraduate training program at the medical care facility or mental health center who is self-insured by such medical care facility or mental health center.

(3) Upon notice and a hearing in accordance with the provisions of the Kansas administrative procedure act, the board of governors may cancel, upon reasonable grounds therefor, a certificate of self-insurance issued pursuant to this subsection ~~(e)~~ or the authority of a medical care facility or mental health center to self-insure ~~persons~~ individuals engaged in such postgraduate training programs at the medical care facility or mental health center. Failure of ~~a person~~ an individual engaged in such postgraduate training program to comply with the terms and conditions of eligibility to be self-insured by the medical care facility or mental health center, the failure of a medical care facility or mental health center to pay any judgment for which such medical care facility

or mental health center is liable as self-insurer of such ~~person individual~~, the failure to comply with any provisions of the ~~health care healthcare~~ provider insurance availability act or the failure to comply with any conditions for approval of the application or any conditions contained in the certificate of self-insurance shall be reasonable grounds for cancellation of such certificate of self-insurance or the authority of a medical care facility or mental health center to self-insure such ~~persons individuals~~.

(4) A medical care facility or mental health center authorized to self-insure ~~persons individuals~~ engaged in such postgraduate training programs shall pay the applicable surcharge set forth in K.S.A. 40-3402(c), and amendments thereto, on behalf of such ~~persons individuals~~.

(5) As used in this subsection ~~(e)~~, "medical care facility" does not include the university of Kansas medical center or those community hospitals or medical care facilities described in K.S.A. 40-3401(r)(2), and amendments thereto.

(f) For the purposes of subsection (a), "~~health care healthcare~~ provider" may include each health care provider in any group of ~~health care healthcare~~ providers who practice as a group to provide physician services only for a health maintenance organization, any professional corporations, partnerships or not-for-profit corporations formed by such group and the health maintenance organization itself. The premiums for each such provider, health maintenance organization and group corporation or partnership may be aggregated for the purpose of being eligible for and subject to the statutory requirements for self-insurance as set forth in this section.

(g) The provisions of subsections (a) and (f), relating to ~~health care healthcare~~ systems, shall not affect the responsibility of individual ~~health care healthcare~~ providers as defined in K.S.A. 40-3401(f), and amendments thereto, or organizations whose premiums are aggregated for purposes of being eligible for self-insurance from individually meeting the requirements imposed by K.S.A. 40-3402, and amendments thereto, with respect to the ability to respond to injury or damages to the extent specified therein and K.S.A. 40-3404, and amendments thereto, with respect to the payment of the ~~health care healthcare~~ stabilization fund surcharge.

(h) Each private practice corporation or foundation and their full-time physician faculty employed by the university of Kansas medical center and each nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be deemed a self-insurer for the purposes of the ~~health care healthcare~~ provider insurance availability act. The private practice corporation or foundation of which the full-time physician faculty is a member and each nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall pay the applicable surcharge set forth in K.S.A. 40-3404(a), and amendments thereto, on behalf of the private practice corporation or foundation and their full-time physician faculty employed by the university of Kansas medical center or on behalf of a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine.

(i) (1) Subject to the provisions of paragraph (4), for the purposes of the ~~health care healthcare~~ provider insurance availability act, each nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical

care facilities affiliated with the university of Kansas school of medicine shall be deemed to have been a ~~health care~~ healthcare provider as defined in K.S.A. 40-3401, and amendments thereto, from and after July 1, 1997.

(2) Subject to the provisions of paragraph (4), for the purposes of the ~~health care~~ healthcare provider insurance availability act, each nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be deemed to have been a self-insurer within the meaning of subsection (h), and amendments thereto, from and after July 1, 1997.

(3) Subject to the provisions of paragraph (4), for the purposes of the ~~health care~~ healthcare provider insurance availability act, the election of fund coverage limits for each nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be deemed to have been effective at the highest option, as provided in K.S.A. 40-3403(1), and amendments thereto, from and after July 1, 1997.

(4) No nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be required to pay to the fund any annual premium surcharge for any period prior to the effective date of this act. Any annual premium surcharge for the period commencing on the effective date of this act and ending on June 30, 2001, shall be prorated.

Sec. 18. K.S.A. 2020 Supp. 40-3424 is hereby amended to read as follows: 40-3424. (a) For all claims made on and after July 1, 2014, the amount of fund liability for a judgment or settlement against a resident or nonresident inactive healthcare provider shall be equal to the minimum professional liability insurance policy limits required pursuant to K.S.A. 40-3402, and amendments thereto, and in effect on the date of the incident giving rise to a claim, plus the level of coverage selected by the healthcare provider pursuant to K.S.A. 40-3403(1), and amendments thereto, at the time of the incident giving rise to a claim.

(b) The aggregate fund liability for all judgments and settlements arising from all claims made in any fiscal year against a resident or nonresident inactive healthcare provider shall not exceed \$3,000,000 in any fiscal year.

~~(b) This section shall be part of and supplemental to the healthcare provider insurance availability act. For all claims made for incidents occurring on or after January 1, 2022, the aggregate fund liability for all judgments and settlements made in any fiscal year against a resident or nonresident inactive healthcare provider shall not exceed three times the coverage amount in subsection (a).;~~

On page 74, in line 2, after "40-2513" by inserting ", 40-3409"; in line 3, after the second comma by inserting "40-2c01,"; also in line 3, after "40-3306" by inserting ", 40-3402, 40-3403, 40-3408, 40-3414, 40-3424";

And by renumbering sections accordingly;

On page 1, in the title, in line 12, after the semicolon by inserting "increasing minimum coverage requirements with regard to the healthcare stabilization fund; changing membership of the board of governors; increasing time for service of process thereon; updating the version of risk-based capital instructions in effect;"; also in line 12, after "40-22a06" by inserting ", 40-3409"; in line 13, after the third comma by

inserting "40-2c01,"; in line 14, after "40-3306" by inserting ", 40-3402, 40-3403, 40-3408, 40-3414, 40-3424";

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

STEVEN JOHNSON

CHRIS CROFT

CINDY NEIGHBOR

*Conferees on part of House*

JEFF LONGBINE

VIRGIL PECK

CINDY HOLSCHER

*Conferees on part of Senate*

Senator Longbine moved the Senate adopt the Conference Committee Report on **H Sub SB 78**.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Ryckman, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Baumgardner, Hilderbrand, Peck, Pyle, Steffen, Straub, Tyson.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2137** submits the following report:

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

On page 1, following line 12, by inserting:

"New Section 1. (a) Before making or causing any shipment of alcoholic liquor to Kansas residents, a fulfillment house shall pay a \$50 license fee and obtain such license that will be applicable for each location that is involved in the shipping process to Kansas residents. A fulfillment house license shall commence on the date specified on the license and expire two years after such date. The holder of a fulfillment house license may only provide services for the warehousing, packaging and shipping of alcoholic liquors produced by, and belonging to, a special order shipping licensee in accordance with K.S.A. 41-350, and amendments thereto. A fulfillment house licensee shall make reasonable efforts to confirm that any winery that they ship alcoholic liquor for holds a special order shipping license and may rely on the representations of each such winery for such assurance.

(b) As part of a fulfillment house license application, the applicant shall provide any information as required by rules and regulations adopted by the director and contained in the fulfillment house license application form established by the director.

(c) If the holder of the license is an out-of-state entity, the licensee shall be deemed to have appointed the secretary of state as the resident agent and representative of the

licensee to accept service of process from the secretary of revenue, the director and the courts of this state concerning enforcement of this section, K.S.A. 41-501 et seq., and amendments thereto, and any rules and regulations adopted thereunder and to accept service of any notice or order provided for in the liquor control act.

(d) (1) A fulfillment house licensee shall ensure all containers of alcoholic liquors shipped directly to an individual in this state are labeled with the name, address and license number of the fulfillment house licensee. All such containers shall contain a conspicuously printed statement of "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY".

(2) All containers of alcoholic liquors shipped directly to a resident of this state shall be shipped using a common carrier pursuant to K.S.A. 41-725, and amendments thereto.

(e) (1) A fulfillment house licensee shall:

(A) Maintain records of all shipments for a minimum of three years after the shipment date, that shall include the:

- (i) Name, address and license number of the special order shipping licensee;
- (ii) name and license number of the express company or common carrier;
- (iii) date of each shipment;
- (iv) carrier tracking number;
- (v) name and address of the consignee of such alcoholic liquors; and
- (vi) weight of the package and product type of alcoholic liquors shipped.

(B) Submit these records as an electronic report to the director monthly in the form and format prescribed by the director.

(2) Reports submitted pursuant to this subsection shall be open records available for public inspection in accordance with the open records act. Any information relating to the name or address of a consignee of any alcoholic liquors shall be redacted from the reports that are made available for public inspection. The provisions of this paragraph providing for the confidentiality of certain public records shall expire on July 1, 2026, unless the legislature reviews and reenacts such provisions in accordance with K.S.A. 45-229, and amendments thereto, prior to July 1, 2026.

(f) A fulfillment house that willfully fails, neglects or refuses to file any report pursuant to subsection (e) shall be subject to a civil penalty of not more than \$100. After notice and an opportunity for hearing in accordance with the Kansas administrative procedure act, the director may refuse to issue or renew or may revoke a fulfillment house license upon a finding that the licensee has failed to comply with any provision of this section.

(g) The secretary of revenue shall adopt rules and regulations to implement, administer and enforce the provisions of this section.

(h) The provisions of this section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 2. K.S.A. 2020 Supp. 41-102 is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

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

(b) "Alcoholic candy" means:

(1) For purposes of manufacturing, any candy or other confectionery product with

an alcohol content greater than 0.5% alcohol by volume; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(o) "Fulfillment house" means any location or facility for any in-state or out-of-state entity that handles logistics, including warehousing, packaging, order fulfillment or shipping services on behalf of the holder of a special order shipping license issued pursuant to K.S.A. 41-350, and amendments thereto.

~~(p)~~ (q) "Hard cider" means any alcoholic beverage that:

(1) Contains less than 8.5% alcohol by volume;

(2) has a carbonation level that does not exceed 6.4 grams per liter; and

(3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies.

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

~~(r)~~ (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and

others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(dd)~~(dd) "Sample" means a serving of alcoholic liquor that contains not more than: (1) One-half ounce of distilled spirits; (2) one ounce of wine; or (3) two ounces of beer or cereal malt beverage. A "sample" of a mixed alcoholic beverage shall contain not more than ½ ounce of distilled spirits.

~~(ee)~~(ee) "Secretary" means the secretary of revenue.

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

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

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

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

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

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

~~(jj)~~(kk) "Temporary permit" ~~has the meaning provided~~ means the same as defined by K.S.A. 41-2601, and amendments thereto.

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

On page 2, in line 23, by striking "and"; in line 27, after "sales" by inserting "; and

(8) sell containers of beer, domestic beer and cereal malt beverage that are sold on the licensed premises to consumers and served in refillable and sealable containers for consumption off the licensed premises if such containers:

(A) Contain between 32 and 64 fluid ounces; and

(B) have a label affixed that clearly indicates the licensee's name and the type of alcoholic beverage contained in such container";

Also, on page 2, following line 30, by inserting:

"Sec. 4. K.S.A. 2020 Supp. 41-308a is hereby amended to read as follows: 41-308a.

(a) A farm winery license shall allow:

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

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, public venues, clubs, drinking establishments, holders of temporary permits as authorized by K.S.A. 2020 Supp. 41-1201, and amendments thereto, and caterers;

(3) the manufacture for and sale of wine to holders of producer licenses as authorized by K.S.A. 2020 Supp. 41-355, and amendments thereto. Wine manufactured for a producer licensee shall be included in the farm winery licensee's annual production for purposes of subsection (c). The label for any such wine manufactured by the farm winery licensee, as filed with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, may be owned by either the farm winery or the producer licensee for whom the wine was manufactured;

(4) the sale, on the licensed premises and at special events monitored and regulated

by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

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

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

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

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

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

(10) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2020 Supp. 41-350, and amendments thereto;

(11) the transfer or receipt of wine in a bulk container or packaged wine in bond to any bonded premises pursuant to 26 U.S.C. § 5362(b)(1) and 27 C.F.R. § 24.280 through 24.284, as in effect on July 1, 2021;

(12) the transfer or receipt of wine in a bulk container in bond to a distilled spirits plant for use in the manufacture of distilled spirits pursuant to 26 U.S.C. § 5362(b)(2), (b)(3) and (c)(6) and 27 C.F.R. § 24.280 through 24.290, as in effect on July 1, 2021;

(13) the receipt of distilled spirits in a bulk container pursuant to 26 U.S.C. § 5214(a)(5) and 27 C.F.R. § 19.402 through 19.407, as in effect on on July 1, 2021; and

(14) the production of fortified wine with the addition of wine spirits to domestic wine if the spirits added are produced from the same kind of fruit that was used to produce the wine pursuant to 26 U.S.C. § 5382(b)(2), as in effect on July 1, 2021.

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

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

(2) the serving on the licensed premises of samples of wine manufactured by the licensee or imported under subsection ~~(e)~~ (f), if the premises are located in a county

where the sale of alcoholic liquor is permitted by law in licensed drinking establishments; and

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

(c)(1) Not less than 30% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The production requirement of this subsection shall be determined based on the annual production of domestic table wine and domestic fortified wine by the farm winery.

(2) On and after July 1, 2021, the percentage of products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery required to be grown in Kansas shall be not less than 15%.

(3) The provisions of this subsection shall expire on January 1, 2023.

(d) A farm winery licensee may import wine from outside Kansas for use in the production of its domestic table wine and domestic fortified wine and shall report such imports on forms prescribed by the director.

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

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

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

~~(g)~~(h) No farm winery or winery outlet shall:

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

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

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

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

(5) transfer wine in a bulk container to the premises of a brewery pursuant to 26 U.S.C. § 5411 and 27 C.F.R. § 25.23, as in effect on July 1, 2021.

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

(+)(j) For purposes of this section, the terms in subsections (a)(11) through (a)(14) and (h)(5), if not otherwise defined in K.S.A. 41-102, and amendments thereto, mean the same as such terms are defined in title 27, chapter 1, subchapter A of the code of federal regulations, as in effect on July 1, 2021.

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

Sec. 5. K.S.A. 2020 Supp. 41-308b is hereby amended to read as follows: 41-308b.

(a) A microbrewery license shall allow:

(1) The manufacture of not less than 100 nor more than 60,000 barrels of domestic beer during the calendar year and the storage thereof, if, however, the licensee holds a 10% or greater ownership interest in one or more entities that also hold a microbrewery license, then the aggregate number of barrels of domestic beer manufactured by all such licensees with such common ownership shall not exceed the 60,000 barrel limit;

(2) the manufacture in the aggregate of not more than 100,000 gallons of hard cider during the calendar year and the storage thereof;

(3) the sale to beer distributors of beer and the sale to wine distributors of hard cider, manufactured by the licensee;

(4) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of beer and hard cider manufactured by the licensee;

(5) the sale, on the licensed premises in refillable and sealable containers to consumers for consumption off the licensed premises, of beer manufactured by the licensee, subject to the following conditions:

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

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

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

(7) if the premises is also licensed as a club or drinking establishment, the sale and transfer of domestic beer to such club or drinking establishment and the sale of domestic beer and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

(8) if the premises is also licensed as a caterer, the sale of domestic beer and other

alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act;

(9) if the licensee holds a 10% or greater ownership interest in one or more entities that also hold a microbrewery license, the domestic beer may be manufactured and transferred for sale or storage among such microbrewery licensees with such common ownership; and

(10) the transfer of beer and hard cider manufactured by the licensee pursuant to a contract entered into in accordance with subsection (b) to the contracting microbrewery.

(b) (1) A microbrewery may contract with one or more microbreweries for the purpose of manufacturing beer or hard cider for such other microbreweries. A microbrewery located in this state may manufacture and package beer and hard cider for a microbrewery located within or outside of Kansas.

(2) A microbrewery manufacturing beer or hard cider for another microbrewery shall be responsible for complying with all federal and state laws dealing with the manufacturing of beer and hard cider, including labeling laws, and shall be responsible for the payment of all federal and state taxes on the beer and hard cider.

(3) Each party engaged in a contract brewing agreement must count the total amount of barrels and gallons manufactured as part of the agreement and include that total amount as part of their allowed aggregate total as provided in subsection (a).

(c) (1) Not less than 30% of the products utilized in the manufacture of hard cider by a microbrewery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The production requirement of this subsection shall be determined based on the annual production of domestic hard cider.

(2) On and after July 1, 2021, the percentage of products utilized in the manufacture of hard cider by a microbrewery required to be grown in Kansas shall be not less than 15%.

(3) The provisions of this subsection shall expire on January 1, 2023.

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

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

(2) the transfer, from the licensed premises of the microbrewery packaging and warehousing facility to the licensed premises of any microbrewery of such licensee, of beer manufactured by the licensee;

(3) the removal from the licensed premises of the microbrewery packaging and warehousing facility of beer manufactured by the licensee for the purpose of delivery to a licensed beer wholesaler; and

(4) the removal from the licensed premises of the microbrewery packaging and warehousing facility of hard cider manufactured by the licensee for the purpose of delivery to a licensed wine distributor.

(e) A microbrewery may sell domestic beer in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day. If authorized by subsection (a), a microbrewery may serve

samples of domestic beer and serve and sell domestic beer and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

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

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

(h) No microbrewery shall:

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

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

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

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

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

On page 3, in line 30, by striking ", residence"; in line 31, by striking "subsection (a) (12)" and inserting "paragraph"; in line 33, by striking all after "officer"; in line 34, by striking all before the semicolon; in line 36, by striking "which" and inserting "that"; in line 43, by striking "which" and inserting "that";

On page 4, in line 3, by striking all after "(1)"; by striking all in lines 4 and 5; in line 6, by striking "(3)"; in line 26, by striking "and residence"; in line 27, by striking all after "copartners"; by striking all in lines 28 and 29; in line 30, after "be" by inserting "individually"; in line 34, after the semicolon by inserting "or"; in line 35, by striking all after "(4)"; by striking all in lines 36 and 37; in line 38, by striking "(6)";

On page 5, in line 42, by striking all after "(1)"; in line 43, by striking "(2)";

On page 6, in line 3, by striking "which" and inserting "that"; in line 19, by striking all after "(g)"; by striking all in lines 20 and 21; in line 22, by striking all before "if"; also in line 22, after "applicant" by inserting "is not a Kansas resident, no license shall be issued until the applicant";

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

On page 7, following line 5, by inserting:

"Sec. 7. K.S.A. 2020 Supp. 41-311b is hereby amended to read as follows: 41-311b. (a) If an applicant for licensure is not a resident of the state of Kansas on the date

of submission of such application ~~or has not been a resident for at least one year immediately preceding the date of submission of such application~~, the director ~~shall~~ may require the individual applicant, or if the applicant is a corporation, partnership or trust, each individual officer, director, stockholder, copartner or trustee to:

(1) Submit to a national criminal history record check and provide the director with a legible set of fingerprints;

(2) disclose to the director any substantial financial interest the applicant owns in any entity that receives proceeds from the sale of alcoholic beverages; and

(3) submit a release allowing the director to have access to and review of the applicant's financial records to verify ownership and to ensure applicant is not an agent of another person. This release shall remain in effect after the license has been issued until the license is canceled or revoked.

(b) The director shall submit the fingerprints provided under subsection (a) to the Kansas bureau of investigation and to the federal bureau of investigation and receive a reply to enable the director to verify the identity of such applicant or such individuals specified in subsection (a) and whether such applicant or such individuals have been convicted of any crimes that would disqualify the applicant or such individuals from holding a license under the liquor control act. The director is authorized to use the information obtained from the national criminal history record check to determine such applicant's or individual's eligibility to hold a license under the liquor control act.

(c) All costs incurred pursuant to this section to ensure that the applicant is qualified for licensure shall be paid by the applicant.

Sec. 8. K.S.A. 2020 Supp. 41-320a is hereby amended to read as follows: 41-320a.

(a) The director may suspend, involuntarily cancel or revoke any license issued pursuant to the Kansas liquor control act if, after notice and an opportunity for a hearing, the director determines that the licensee has:

(1) Fraudulently obtained the license by providing false information on the application therefor, or at any hearing thereon;

(2) violated any of the provisions of the Kansas liquor control act, ~~or~~ any rules or regulations adopted pursuant to such act or any lawful order issued by the director; or

(3) become ineligible to obtain a license or permit under K.S.A. 41-311 or K.S.A. 2020 Supp. 41-311b, and amendments thereto.

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

Sec. 9. K.S.A. 2020 Supp. 41-350 is hereby amended to read as follows: 41-350.

(a) For the purposes of this act, the term "winery" means any maker or producer of wine whether in this state or in any other state, who holds a valid federal basic wine manufacturing permit. The terms "director" and "secretary" have the meaning ascribed to these terms in K.S.A. 41-102, and amendments thereto.

(b) Any winery may be authorized to make direct shipments of wine to consumers in this state upon obtaining a special order shipping license from the secretary pursuant to this act.

(1) A special order shipping license shall only be issued to a winery upon compliance with all applicable provisions of this act and the regulations promulgated pursuant to this act, and upon payment of a license fee in the amount of \$100. The license term for a special order shipping license shall commence on the date ~~the license is issued by the director~~ specified on the license and shall end two years after that date.

(2) A special order shipping license shall entitle the winery to ship wine upon order

directly to consumers for personal or household use in this state. The purchaser shall pay the purchase price and all shipping costs directly to the permit holder. Enforcement taxes collected herein shall be paid solely on the purchase price and not on the shipping costs.

(c) No holder of a special order shipping license shall be permitted to ship in excess of 12 standard cases of wine of one brand or a combination of brands into this state to any one consumer or address per calendar year.

(d) (1) Before accepting an order from a consumer in this state, the holder of a special order shipping license shall require that the person placing the order to state affirmatively that he or she is 21 years of age or older and shall verify the age of such person placing the order either by the physical examination of an approved government issued form of identification or by utilizing an internet based age and identification service approved by the director of alcoholic beverage control, or the director's designee.

(2) Every shipment of wine by the holder of a special order shipping license shall be clearly marked 'Alcoholic Beverages, Adult Signature Required' and the carrier delivering such shipment shall be responsible for obtaining the signature of an adult who is at least 21 years of age as a condition of delivery.

(e) A special order shipping license shall not authorize the shipment of any wine to any premises licensed to sell alcoholic beverages pursuant to this act or the club and drinking establishment act.

(f) The failure to comply strictly with the requirements of this act and rules and regulations promulgated pursuant to this act shall be grounds for the revocation of a special order shipping license or other disciplinary action by the director. After notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, the director may refuse to issue or renew or may revoke a shipping permit upon a finding that the permit holder has failed to comply with any provision of this section or K.S.A. 41-501 et seq., and amendments thereto, or any rules and regulations adopted pursuant to such statutes. Upon revocation of a special order shipping license for shipment of wine to a person not of legal age as required herein such winery shall not be issued any special order shipping license pursuant to this act for a period of one year from the date of revocation.

(g) The holder of a special order shipping license shall collect all gallonage taxes imposed by K.S.A. 41-501 et seq., and amendments thereto, shall on a quarterly basis electronically remit such taxes annually in a manner prescribed by the secretary and shall accompany such remittance with such any reports, documentation ~~and or~~ other information as may be required by the secretary. In addition, an applicant for and a holder of a special order shipping license, as a condition of receiving and holding a valid license, shall:

(1) Collect and pay the applicable Kansas enforcement tax on each sale shipped to a consumer in Kansas imposed by K.S.A. 79-4101 et seq., and amendments thereto;

(2) accompany each remittance with such sales tax reports, documentation and other information as may be required by the director of taxation; and

(3) if the holder of the license is an out-of-state shipper, the licensee shall be deemed to have appointed the secretary of state as the resident agent and representative of the licensee to accept service of process from the secretary of revenue, the director and the courts of this state concerning enforcement of this section, K.S.A. 41-501 et

seq., and amendments thereto, and any related laws and rules and regulations and to accept service of any notice or order provided for in the liquor control act.

(h) The secretary of revenue may adopt rules and regulations to implement, administer and enforce the provisions of this section.

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

Sec. 10. K.S.A. 2020 Supp. 41-352 is hereby amended to read as follows: 41-352.

(a) Any manufacturer or supplier of alcoholic liquor or cereal malt beverage, whether licensed in this state or any other state, or a holder of a distilled spirits plant permit issued by the alcohol and tobacco tax and trade bureau of the United States department of treasury may apply for an annual packaging and warehousing facility permit. The application shall be on a form prescribed by the director and shall include all information the director deems necessary.

(b) A packaging and warehousing facility permit shall allow the:

(1) ~~The~~ Transfer of alcoholic liquor or cereal malt beverage to the licensed premises of a packaging and warehousing facility for the purpose of packaging or storage, or both;

(2) ~~the~~ sale and transfer from the licensed premises of a packaging and warehousing facility to the licensed premises of a spirits, wine or beer distributor licensed in Kansas or to a Kansas supplier; ~~and~~

(3) ~~the~~ transfer from the licensed premises of a packaging and warehousing facility to another state; and

(4) receipt and transfer of alcoholic liquor in a bulk container from any manufacturer, supplier, farm winery, microbrewery or microdistillery of alcoholic liquor or cereal malt beverage, whether licensed in this state or any other state, for purposes of packaging in cans or bottles.

(c) The annual fee for a packaging and warehousing facility permit shall be \$2,500.

(d) Each brand and label of alcoholic liquor or cereal malt beverage that is intended for sale to distributors in Kansas and is transported, packaged or stored at a licensed packaging and warehousing facility must be registered in accordance with the provisions of K.S.A. 41-331, and amendments thereto.

(e) The tax imposed pursuant to K.S.A. 41-501, and amendments thereto, shall be paid on alcoholic liquor or cereal malt beverage imported into this state under a packaging and warehousing facility permit only if the alcoholic liquor or cereal malt beverage is sold to a distributor for sale at wholesale in this state and shall be paid by the distributor who purchases the alcoholic liquor or cereal malt beverage for sale at wholesale.

(f) For purposes of this section, the terms in subsections (a) and (b)(4), if not otherwise defined in K.S.A. 41-102, and amendments thereto, mean the same as such terms are defined in title 27, chapter I, subchapter A of the code of federal regulations, as in effect on July 1, 2021.

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

Sec. 11. K.S.A. 2020 Supp. 41-712 is hereby amended to read as follows: 41-712.

(a) Within any city where the days of sale at retail of alcoholic liquor in the original package have not been expanded as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, or have been so expanded and subsequently restricted as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, ~~and within any township where the days of sale at retail of alcoholic liquor in the original package have not been~~

expanded as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, or have been so expanded and subsequently restricted as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, no person shall sell at retail any alcoholic liquor in the original package: (1) On Sunday; (2) on ~~Memorial Day, Independence Day, Labor Day,~~ Thanksgiving Day or Christmas Day; or (3) before 9 a.m. or after 11 p.m. on any day when the sale is permitted. The governing body of any city by ordinance may require the closing of premises prior to 11 p.m., but such ordinance shall not require closing prior to 8 p.m.

(b) Within any city where the days of sale at retail of alcoholic liquor in the original package have been expanded as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, and have not been subsequently restricted as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, and within any township where the days of sale at retail of alcoholic liquor in the original package have been expanded as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, and have not been subsequently restricted as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, no person shall sell at retail alcoholic liquor in the original package: (1) On Sunday ~~before 12 noon or after not earlier than 9 a.m. and not later than 8 p.m.;~~ (2) on Easter Sunday, Thanksgiving Day or Christmas Day; or (3) before 9 a.m. or after 11 p.m. on any day when the sale is permitted. The governing body of any city by ordinance may require the closing of premises prior to 11 p.m., but such ordinance shall not require closing prior to 8 p.m.

Sec. 12. K.S.A. 2020 Supp. 41-718 is hereby amended to read as follows: 41-718.

(a) No person except a manufacturer, distributor, microbrewery, microdistillery, farm winery or wholesaler shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor.

(b) No person shall have in the person's possession for sale at retail any bottles, casks or other containers containing alcoholic liquor, except in original packages.

(c) This section shall not apply to the sale of beer, domestic beer or cereal malt beverage by a retailer in accordance with K.S.A. 41-308(c)(8), and amendments thereto.;

Also on page 7, in line 35, by striking "they are" and inserting "such permit is";

On page 8, in line 9, after "(1)" by inserting "(A)"; in line 11, by striking "(A)" and inserting "(i)"; in line 13, by striking "(B)" and inserting "(ii)"; in line 16, by striking "(C)" and inserting "(iii)"; in line 18, before "The" by inserting "(B)"; in line 19, by striking the first "which" and inserting "that";

On page 10, in line 23, by striking "the age of"; also in line 23, after "years" by inserting "of age"; in line 25, by striking "the age of"; also in line 25, after "years" by inserting "of age"; in line 27, by striking "the age of"; also in line 27, after "21" by inserting "years of age";

On page 13, in line 17, by striking "(" and inserting a comma; in line 18, by striking ")" and inserting a comma; also in line 18, after "them" by inserting ", as provided in K.S.A. 41-2637, and amendments thereto"; in line 26, after the period by inserting "The term "; also in line 26, after "establishment" by inserting ";

On page 17, in line 1, by striking "this" and inserting "the club and drinking establishment"; also in line 1, by striking "or" and inserting a comma; in line 2, by striking "hereunder" and inserting "pursuant to such act or any lawful order issued by the director"; in line 25, after "and" by inserting ";

(1)";

Also on page 17, in line 28, after "final" by inserting a semicolon; also in line 28, after "or" by inserting:

"(2)";

On page 19, in line 2, by striking all after "(3)"; by striking all in line 3; in line 4, by striking "(4)"; following line 26, by inserting:

"(F) Any person who has a beneficial interest in a manufacturer licensed pursuant to the Kansas liquor control act may be issued one drinking establishment license."; in line 32, by striking all after "citizenship"; by striking all in line 43;

On page 20, by striking all in line 1; in line 7, by striking the colon; in line 8, by striking "(1)"; by striking all in lines 15 and 16;

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

Also on page 20, following line 16, by inserting:

"Sec. 26. K.S.A. 41-2632 is hereby amended to read as follows: 41-2632. (a) As used in this section:

(1) ~~The word "Distributor"~~ means a person, firm, association or corporation ~~which that~~ is the holder of an alcoholic liquor distributor's license issued under the Kansas liquor control act;

(2) ~~the word "retailer"~~ means a person, copartnership or association ~~which that~~ is the holder of a retailer's license issued under the Kansas liquor control act; and

(3) ~~the word "manufacturer" shall have the meaning ascribed to it by means the same as such term is defined in K.S.A. 41-102, and amendments thereto.~~

(b) It shall be unlawful for a distributor of alcoholic liquor, or a manufacturer, or any officer, agent or employee thereof, to influence, coerce or induce or attempt to influence, coerce or induce, either directly or indirectly, any holder of a license issued under this act, or any officer, agent or employee of the holder of such a license, to: (1) Purchase any particular brand or kind of alcoholic liquor to be dispensed by the licensee, except that a distributor or manufacturer may provide to a licensee information regarding the availability of brands in the market and things of value as authorized by ~~subsection (d) of K.S.A. 41-703(d), and amendments thereto;~~ or (2) purchase from a particular retailer alcoholic liquor to be dispensed by the licensee.

(c) Violation of this section is a misdemeanor punishable by a fine of not less than \$100 nor more than \$1,000 or by imprisonment for not more than six months, or by both.

(d) The provisions of this section shall not apply to any manufacturer who holds a drinking establishment license with respect to purchases made by such drinking establishment.";

Also on page 20, in line 21, by striking the second "and"; in line 23, after "them" by inserting "; and

(3) offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by individuals other than those individuals specified in paragraph (1) during an event held in accordance with subsection (d)";

Also on page 20, in line 24, before "No" by inserting "(b)"; in line 29, by striking the first "(b)" and inserting "(c)"; also in line 29, by striking "(b)(2)" and inserting "(c)(2)"; in line 42, by striking "(c)" and inserting "(d) (1) A licensee may offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by individuals

other than members of the licensee, their families or guests during an event. The licensee shall provide electronic notification to the director at least 48 hours prior to any such event. The director shall make the electronic notification available to local law enforcement. Such notice shall consist of the date, time, location and the names of the contracting parties of the event. The licensee shall retain all documents for a period of three years for inspection by the director. The documents retained shall include agreements, receipts and records of alcohol purchased.

(2) For purposes of this subsection, the term "event" means any function, occasion, celebration or other event held on the licensed premises for a specified duration of time and during which individuals who are not members of the licensee, their families or guests are permitted to enter and use the licensed premises pursuant to an agreement between the licensee and the contracting party.

(e)";

On page 21, following line 3, by inserting:

"Sec. 28. K.S.A. 2020 Supp. 41-2640 is hereby amended to read as follows: 41-2640. (a) No club, drinking establishment, caterer or holder of a temporary permit, nor any person acting as an employee or agent thereof, shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) advertise or promote in any way, whether on or off the licensed premises, any of

the practices prohibited under subsections (b)(1) through (6).

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

- (1) Offer free food or entertainment at any time;
- (2) sell or deliver wine by the bottle or carafe;
- (3) sell, offer to sell and serve individual drinks at different prices throughout any day;

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

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

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

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

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

(2) (A) For purposes of this subsection, "automated device" ~~shall mean~~ means any mechanized device capable of dispensing wine or beer, or both, directly to a customer in exchange for compensation that a licensee has received directly from the customer.

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

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

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

(E) In order to obtain a prepaid access card from a licensee, each customer shall produce a valid driver's license, identification card or other government-issued

document that contains a photograph of the individual and demonstrates that the individual is at least 21 years of age. Each access card shall be programmed to require the production of the customer's valid identification before the access card can be used for the first time during any business day or for any subsequent reactivation as provided in subparagraph (D).

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

(G) Each access card shall be programmed to allow the dispensing of no more than 15 ounces of wine or 32 ounces of beer to a customer. Once an access card has been used to dispense 15 ounces of wine or 32 ounces of beer to a customer, the access card shall become inactive. Any customer in possession of an inactive access card may, upon production of the customer's valid identification to the licensee or licensee's employee, have the access card reactivated to allow the dispensing of an additional 15 ounces of wine or 32 ounces of beer from an automated device.

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

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

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

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

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

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

(i) For the purposes of this section, ~~the term:~~

(1) "Day" means from 6:00 a.m. until 2:00 a.m. the following calendar day;

(2) "mixed alcoholic beverage" means a beverage that is made by combining alcoholic liquor with a non-alcoholic liquid or other edible substance and that is comprised of at least 25% non-alcoholic liquid or other edible substance, including, but not limited to, margarita, sangria, daiquiri or mojito; and

(3) "pitcher" means any container that is capable of containing more than 32 fluid ounces but not more than 64 fluid ounces that is used to serve alcoholic liquor or cereal malt beverage to one or more individuals.";

On page 23, in line 38, after "(d)" by inserting "(1)"; following line 41, by inserting:

"(2) If the drinking establishment licensee also holds a manufacturer's license

issued under the Kansas liquor control act, the licensed premises specified in the drinking establishment license shall not be the same as the licensed premises specified in the manufacturer's license, but such specified premises shall be located not more than two miles by the usually traveled road from the licensed premises specified in the manufacturer's license.";

On page 24, following line 16, by inserting:

"(g) If the drinking establishment licensee also holds a manufacturer's license issued under the Kansas liquor control act, the drinking establishment shall not sell alcoholic liquor manufactured by such manufacturer's licensee to the exclusion of other alcoholic liquor. All beer and cereal malt beverage sold by the drinking establishment shall be acquired from a distributor or retailer licensed under the Kansas liquor control act, and all wine and spirits sold by the drinking establishment shall be acquired from a retailer or farm winery licensed under the Kansas liquor control act and who possesses a federal wholesaler's basic permit.";

On page 28, in line 7, after "(b)" by inserting "A patron may remove one or more containers of beer, domestic beer and cereal malt beverage, as those terms are defined in K.S.A. 41-102, and amendments thereto, that are sold on the licensed premises to consumers and served in refillable and sealable containers for consumption off the licensed premises if such containers:

- (1) Contain between 32 and 64 fluid ounces;
- (2) have a label affixed that clearly indicates the licensee's name and the type of alcoholic beverage contained in such container; and
- (3) are not sold or removed from the premises after 11:00 p.m.
- (d) All alcoholic liquor, cereal malt beverage and nonalcoholic malt beverage sold by a licensee shall be subject to the tax imposed by K.S.A. 79-41a02, and amendments thereto.

(e)";

On page 31, following line 35, by inserting:

"Sec. 36. K.S.A. 2020 Supp. 41-2703 is hereby amended to read as follows: 41-2703. (a) After examination of an application for a retailer's license, the board of county commissioners or the director shall, if they approve the same, issue a license to the applicant. The governing body of the city shall, if the applicant is qualified as provided by law, issue a license to such applicant.

(b) No retailer's license shall be issued to:

~~(1) A person who is not a resident of the county in which the place of business covered by the license is located, has not been a resident of such county for at least six months or has not been a resident in good faith of the state of Kansas.~~

~~(2) A person who has not been a resident of this state for at least one year immediately preceding application for a retailer's license.~~

~~(3) A person who is not of good character and reputation in the community in which the person resides.~~

~~(4)~~(2) A person who is not a citizen of the United States.

~~(5)~~(3) A person who, within two years immediately preceding the date of application approval, has been convicted of, released from incarceration for or released from probation or parole for a felony or any crime involving moral turpitude, drunkenness, driving a motor vehicle while under the influence of intoxicating liquor or violation of any other intoxicating liquor law of any state or of the United States.

~~(6)~~(4) A partnership, unless all the members of the partnership are otherwise qualified to obtain a license.

~~(7)~~(5) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason other than the citizenship-~~and residency~~ requirements.

~~(8)~~(6) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all the qualifications of a licensee.

~~(9)~~(7) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, ~~residence~~ requirements or age, except that this ~~subsection (b)(9) paragraph~~ shall not apply in determining eligibility for a renewal license.

~~(10)~~(8) A person whose spouse has been convicted of a felony or other crime ~~which that~~ would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act.

(c) After examination of an application for a retailer's license, the board of county commissioners or the governing body of a city may deny a license to a person, partnership or corporation if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, has been an officer, manager, director or a stockholder owning in the aggregate more than 25% of the stock, of a corporation ~~which that~~ has:

(1) Had a retailer's license revoked under K.S.A. 41-2708, and amendments thereto; or

(2) been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

(d) If an applicant has been issued a producer's license pursuant to K.S.A. 41-355, and amendments thereto, an application for a retailers' license shall be approved by the board of county commissioners or the director, subject to the requirements of subsections (b) and (c).

(e) Retailers' licenses shall be issued either on an annual basis or for the calendar year. If such licenses are issued on an annual basis, the board of county commissioners or the governing body of the city shall notify the distributors supplying the county or city on or before April 1 of the year if a retailer's license is not renewed.

~~(e)~~(f) In addition to, and consistent with the requirements of K.S.A. 41-2701 et seq., and amendments thereto, the board of county commissioners of any county or the governing body of any city may provide by resolution or ordinance for the issuance of a special event retailers' permit ~~which that~~ shall allow the permit holder to offer for sale, sell and serve cereal malt beverage for consumption on unpermitted premises, ~~which that~~ may be open to the public, subject to the following:

(1) A special event retailers' permit shall specify the premises for which the permit is issued;

(2) a special event retailers' permit shall be issued for the duration of the special event, the dates and hours of which shall be specified in the permit;

(3) ~~no~~ not more than four special event retailers' permits may be issued to any one applicant in a calendar year; and

(4) a special event retailers' permit shall not be transferable or assignable.

~~(f)~~(g) A special event retailers' permit holder shall not be subject to the provisions

of the beer and cereal malt beverage keg registration act, K.S.A. 41-2901 et seq., and amendments thereto.

Sec. 37. K.S.A. 2020 Supp. 41-2704 is hereby amended to read as follows: 41-2704. (a) In addition to and consistent with the requirements of the Kansas cereal malt beverage act, the board of county commissioners of any county or the governing body of any city may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of places licensed pursuant to this act and may establish zones within which no such place may be located.

(b) Within any city where the days of sale at retail of cereal malt beverage in the original package have not been expanded as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, or have been so expanded and subsequently restricted as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, ~~and within any township where the hours and days of sale at retail of cereal malt beverage in the original package have not been expanded as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, or have been so expanded and subsequently restricted as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto,~~ no cereal malt beverages or beer containing not more than 6% alcohol by volume may be sold:

(1) Between the hours of 12 midnight and 6 a.m.; or

(2) on Sunday, except in a place of business which is licensed to sell cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises and which is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on Sunday have been authorized by ordinance of the governing body of the city.

(c) Within any city where the days of sale at retail of cereal malt beverage in the original package have been expanded as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, and have not been subsequently restricted as provided in K.S.A. 2020 Supp. 41-2911, and amendments thereto, ~~and within any township where the days of sale at retail of cereal malt beverage in the original package have been expanded as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, and have not been subsequently restricted as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto,~~ no person shall sell at retail cereal malt beverage or beer containing not more than 6% alcohol by volume:

(1) Between the hours of 12 midnight and 6 a.m.;

(2) in the original package ~~before 12 noon or after~~ not earlier than 9 a.m. and not later than 8 p.m. on Sunday;

(3) on Easter Sunday; or

(4) for consumption on the licensed premises on Sunday, except in a place of business which is licensed to sell cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises and which is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on Sunday have been authorized by ordinance of the governing body of the city.

(d) No private rooms or closed booths shall be operated in a place of business, but this provision shall not apply if the licensed premises also are licensed as a club pursuant to the club and drinking establishment act.

(e) Each place of business shall be open to the public and to law enforcement officers at all times during business hours, except that a premises licensed as a club pursuant to the club and drinking establishment act shall be open to law enforcement officers and not to the public.

(f) Except as otherwise provided by this subsection, no licensee shall permit a person under the legal age for consumption of cereal malt beverage or beer containing not more than 6% alcohol by volume to consume or purchase any cereal malt beverage in or about a place of business. A licensee's employee who is not less than 18 years of age may dispense or sell cereal malt beverage or beer containing not more than 6% alcohol by volume, if:

(1) The licensee's place of business is licensed only to sell at retail cereal malt beverage or beer containing not more than 6% alcohol by volume in the original package and not for consumption on the premises; or

(2) the licensee's place of business is a licensed food service establishment, as defined by K.S.A. 36-501, and amendments thereto, and not less than 50% of the gross receipts from the licensee's place of business is derived from the sale of food for consumption on the premises of the licensed place of business.

(g) No person shall have any alcoholic liquor, except beer containing not more than 6% alcohol by volume, in such person's possession while in a place of business, unless the premises are currently licensed as a club or drinking establishment pursuant to the club and drinking establishment act.

(h) Cereal malt beverages may be sold on premises ~~which~~ that are licensed pursuant to both the Kansas cereal malt beverage act and the club and drinking establishment act at any time when alcoholic liquor is allowed by law to be served on the premises.

Sec. 38. K.S.A. 2020 Supp. 41-2911 is hereby amended to read as follows: 41-2911. (a) (1) The board of county commissioners of any county may, by resolution:

(A) Expand the days of sale at retail of cereal malt beverage in the original package to allow such sale within the unincorporated area of the county on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the resolution~~ and expand the days of sale at retail of alcoholic liquor in the original package, if licensing of such sale of alcoholic liquor is authorized within the unincorporated area of the county, to allow such sale within the unincorporated area of the county on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. and on Memorial Day, Independence Day and Labor Day as established in the resolution;~~ or

(B) restrict the days of sale at retail of cereal malt beverage in the original package to prohibit such sale within the unincorporated area of the county on Sunday and restrict the days of sale at retail of alcoholic liquor in the original package, if licensing of such sale of alcoholic liquor is authorized within the unincorporated area of the county, to prohibit such sale within the unincorporated area of the county on Sunday, ~~Memorial Day, Independence Day and Labor Day.~~

Such resolution shall be published once, within two weeks after its adoption, in the official county newspaper. Such resolution shall not become effective earlier than 60 days following the date of its publication ~~or November 15, 2005, whichever is later.~~ If, within 60 days following publication of the resolution, a petition requesting that a proposition be submitted for approval by the voters is filed in accordance with

subsection (a)(2), such resolution shall not become effective until a proposition is submitted to and approved at an election as provided by this subsection (a).

(2) A petition to submit a proposition to the qualified voters of a county pursuant to this subsection (a) shall be filed with the county election officer. The petition shall be signed by qualified voters of the county who reside within the unincorporated area of the county equal in number to not less than 5% of the voters of the county residing within the unincorporated area of the county who voted for the office of president of the United States at the last preceding general election at which such office was elected. The appropriate version of the following shall appear on the petition:

(A) If licensing of sale at retail of alcoholic liquor in the original package is not authorized within the unincorporated area of the county, the petition shall read: "We request an election to determine whether sale at retail of cereal malt beverage in the original package shall be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the petition~~) (prohibited on Sunday) within the unincorporated area of \_\_\_\_\_ county."

(B) If licensing of sale at retail of alcoholic liquor is authorized within the unincorporated area of the county, the petition shall read: "We request an election to determine whether sale at retail of cereal malt beverage in the original package shall be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the petition~~) (prohibited on Sunday) within the unincorporated area of \_\_\_\_\_ county and whether sale at retail of alcoholic liquor in the original package shall be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. and on Memorial Day, Independence Day and Labor Day as established in the petition~~) (prohibited on Sunday, ~~Memorial Day, Independence Day and Labor Day~~) within the unincorporated area of \_\_\_\_\_ county."

(3) Upon submission of a valid petition calling for an election pursuant to this subsection (a), the county commission shall call a special election to be held not later than 45 days after submission of the petition unless a countywide primary or general election is to be held within 90 days after submission of the petition, in which case the proposition shall be submitted at such countywide election. Thereupon, the county election officer shall cause the appropriate version of the following proposition to be placed on the ballot in the unincorporated area of the county at such election:

(A) If licensing of sale at retail of alcoholic liquor is not authorized within the unincorporated area of the county, the following proposition shall be placed on the ballot: "Within the unincorporated area of \_\_\_\_\_ county shall sale at retail of cereal malt beverage in the original package be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the petition~~) (prohibited on Sunday)?"

(B) If licensing of sale at retail of alcoholic liquor is authorized within the unincorporated area of the county, the following proposition shall be placed on the ballot: "Within the unincorporated area of \_\_\_\_\_ county shall sale at retail of cereal malt beverage in the original package be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the petition~~) (prohibited on Sunday) and shall the sale at retail of alcoholic liquor in the original package be (allowed on any Sunday, except Easter,

~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. and on Memorial Day, Independence Day and Labor Day as established in the petition (prohibited on Sunday, Memorial Day, Independence Day and Labor Day)?"~~

(b) (1) The governing body of any city may, by ordinance:

(A) Expand the days of sale at retail of cereal malt beverage in the original package to allow such sale within the city on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the ordinance~~ and expand the days of sale at retail of alcoholic liquor in the original package, if licensing of such sale of alcoholic liquor is authorized within the city, to allow such sale within the city on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. and on Memorial Day, Independence Day and Labor Day as established in the ordinance;~~ or

(B) restrict the days of sale at retail of cereal malt beverage in the original package to prohibit such sale within the city on Sunday and restrict the days of sale at retail of alcoholic liquor in the original package, if licensing of such sale of alcoholic liquor is authorized within the city, to prohibit such sale within the city on Sunday, ~~Memorial Day, Independence Day and Labor Day.~~

Such ordinance shall be published at least once each week for two consecutive weeks in the official city newspaper. Such ordinance shall not become effective earlier than 60 days following the date of its publication ~~or November 15, 2005, whichever is later.~~ If, within 60 days following publication of the ordinance, a petition requesting that a proposition be submitted for approval by the voters is filed in accordance with subsection (b)(2), such ordinance shall not become effective until a proposition is submitted to and approved at an election as provided by this subsection (b).

(2) A petition to submit a proposition to the qualified voters of a city pursuant to this subsection (b) shall be filed with the county election officer. The petition shall be signed by qualified voters of the city equal in number to not less than 5% of the voters of the city who voted for the office of president of the United States at the last preceding general election at which such office was elected. The appropriate version of the following shall appear on the petition:

(A) If licensing of sale at retail of alcoholic liquor in the original package is not authorized within the city, the petition shall read: "We request an election to determine whether sale at retail of cereal malt beverage in the original package shall be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the petition~~) (prohibited on Sunday) within the city of \_\_\_\_\_."

(B) If licensing of sale at retail of alcoholic liquor is authorized within the city, the petition shall read: "We request an election to determine whether sale at retail of cereal malt beverage in the original package shall be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the petition~~) (prohibited on Sunday) within the city of \_\_\_\_\_ and whether sale at retail of alcoholic liquor in the original package shall be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. and on Memorial Day, Independence Day and Labor Day as established in the petition~~) (prohibited on Sunday, ~~Memorial Day, Independence Day and Labor Day~~) within the city of \_\_\_\_\_."

(3) Upon submission of a valid petition calling for an election pursuant to this

subsection (b), the city governing body shall call a special election to be held not later than 45 days after submission of the petition unless a citywide primary or general election is to be held within 90 days after submission of the petition, in which case the proposition shall be submitted at such citywide election. Thereupon, the county election officer shall cause the appropriate version of the following proposition to be placed on the ballot in the city at such election:

(A) If licensing of sale at retail of alcoholic liquor is not authorized within the city, the following proposition shall be placed on the ballot: "Within the city of \_\_\_\_\_ shall sale at retail of cereal malt beverage in the original package be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the petition~~) (prohibited on Sunday)?"

(B) If licensing of sale at retail of alcoholic liquor is authorized within the city, the following proposition shall be placed on the ballot: "Within the city of \_\_\_\_\_ shall sale at retail of cereal malt beverage in the original package be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the petition~~) (prohibited on Sunday) and shall the sale at retail of alcoholic liquor in the original package be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. and on Memorial Day, Independence Day and Labor Day as established in the petition~~) (prohibited on Sunday, ~~Memorial Day, Independence Day and Labor Day~~)?"

(c) The county election officer shall transmit to the director a copy of the results of an election pursuant to this section.

(d) An election provided for by this section shall be called and held in the manner provided by the general bond law.";

Also on page 31, in line 36, by striking all after "Sec. 24."; by striking all in lines 37 through 39; in line 40, by striking all before "are" and inserting "K.S.A. 41-2604, 41-2619 and 41-2632 and K.S.A. 2020 Supp. 41-102, 41-308, 41-308a, 41-308b, 41-311, 41-311b, 41-320a, 41-350, 41-352, 41-712, 41-718, 41-1201, 41-1202, 41-1203, 41-1204, 41-2601, 41-2608, 41-2610, 41-2611, 41-2613, 41-2614, 41-2623, 41-2632, 41-2637, 41-2640, 41-2641, 41-2642, 41-2643, 41-2653, as amended by section 1 of 2021 Senate Bill No. 14, 41-2655, 41-2658, 41-2659, 41-2703, 41-2704 and 41-2911";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking all before the semicolon and inserting "eliminating the requirement of Kansas residency for licensure; providing for suspension or revocation of licenses for violations of orders issued by the director; authorizing sales on Sunday and certain holidays; authorizing the issuance of fulfillment house licenses; reducing the Kansas grown product requirement for wine and hard cider; allowing the transfer and receipt of bulk wine; allowing the transfer and receipt of bulk alcoholic liquor and cereal malt beverage for canning and bottling purposes; requiring electronic submission of gallonage taxes by special order shipping licensees; authorizing the issuance of a drinking establishment license to manufacturers under certain conditions; authorizing the sale of alcoholic liquor by class A clubs at special events; specifying requirements for serving alcoholic liquor in pitchers; requiring issuance of a cereal malt beverage retailers' license to licensed producers; allowing the sale and removal of beer and cereal malt beverage in certain containers";

Also on page 1, in the title, by striking all in lines 6 through 9; in line 10, by striking all before the second "and" and inserting "K.S.A. 41-2604, 41-2619 and 41-2632 and

K.S.A. 2020 Supp. 41-102, 41-308, 41-308a, 41-308b, 41-311, 41-311b, 41-320a, 41-350, 41-352, 41-712, 41-718, 41-1201, 41-1202, 41-1203, 41-1204, 41-2601, 41-2608, 41-2610, 41-2611, 41-2613, 41-2614, 41-2623, 41-2632, 41-2637, 41-2640, 41-2641, 41-2642, 41-2643, 41-2653, as amended by section 1 of 2021 Senate Bill No. 14, 41-2655, 41-2658, 41-2659, 41-2703, 41-2704 and 41-2911";

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

LARRY ALLEY  
 RICHARD HILDERBRAND  
 OLETHA FAUST-GOUDEAU  
*Conferees on part of Senate*

JOHN BARKER  
 TORY MARIE ARNBERGER  
 LOUIS RUIZ  
*Conferees on part of House*

Senator Alley moved the Senate adopt the Conference Committee Report on **HB 2137**.

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

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pyle, Straub, Suellentrop, Sykes, Thompson, Warren, Wilborn.

Nays: Baumgardner, Francisco, Hawk, Peck, Pittman, Ryckman, Steffen, Tyson, Ware.

Present and Passing: Holland.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on the Conference Committee Report on **HB 2137** because a provision in the bill reduces and then eliminates the requirement to include Kansas-grown products in the manufacture of domestic wine and hard cider by a farm winery. The proposal to eliminate the requirement did not have a hearing; it was an amendment to the bill in committee. Since farm wineries are granted special privileges for their sales, the legislature should consider this issue carefully. I do understand that there is a constitutional question and agree that the State should identify the legislative intent and compelling interest in providing for farm winery licenses. This discussion should come before, not after, changes are made.—MARCI FRANCISCO

Senator Hawk requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **HB 2137**.

On motion of Senator Alley, the Senate recessed until 4:00 p.m.

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**INTRODUCTION OF BILLS AND SENATE RESOLUTIONS**

SENATE CONCURRENT RESOLUTION No. 1615—

By Senator Pyle

A PROPOSITION to amend section 13 of article 2 of the constitution of the state of Kansas, relating to vote requirements for passage of bills or concurrent resolutions.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 13 of article 2 of the constitution of the state of Kansas is hereby amended to read as follows:

**"§ 13. Majority for passage of bills.** *Except as provided in article 14 of the constitution of the state of Kansas, a majority of the members then elected (or appointed) and qualified of each house, voting in the affirmative, shall be necessary to pass any bill or concurrent resolution. ~~Two-thirds (2/3) of the members then elected (or appointed) and qualified in each house, voting in the affirmative, shall be necessary to ratify any amendment to the Constitution of the United States or to make any application for congress to call a convention for proposing amendments to the Constitution of the United States.~~*"

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*"Explanatory statement.* The purpose of this amendment is to remove the constitutional provision that requires two-thirds of members then elected (or appointed) and qualified in each house, voting in the affirmative, shall be necessary to ratify any amendment to the Constitution of the United States or to make any application for congress to call a convention for proposing amendments to the Constitution of the United States and provide that a majority of such members, voting in the affirmative, shall be necessary to pass such measures.

"A vote for this proposition would amend the constitution to provide that a majority of the members then elected (or appointed) and qualified of each house, voting in the affirmative, shall be necessary to pass any bill or concurrent resolution, except as provided in article 14 of the constitution of the state of Kansas. This would lower the vote requirement from two-thirds to a majority of such members for any bill or concurrent resolution to ratify any amendment to the Constitution of the United States or to make any application for congress to call a convention for proposing amendments to the Constitution of the United States.

"A vote against this proposition would not make any changes to

the constitution and would maintain the current provisions related to vote requirements for passage of bills or concurrent resolutions."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2022, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

#### MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 159**.

#### ORIGINAL MOTION

Senator Senator Alley moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2134**.

#### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2134** submits the following report:

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

On page 1, by striking all in lines 9 through 36;

By striking all on pages 2 through 59;

On page 60, by striking all in lines 1 through 33; following line 33, by inserting the following:

"New Section 1.

#### DEPARTMENT OF EDUCATION

(a) On the effective date of this act, of the \$3,306,581 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 2(a) of chapter 19 of the 2019 Session Laws of Kansas from the state general fund in the KPERs – employer contributions – non-USDs account (652-00-1000-0100), the sum of \$2,015,931 is hereby lapsed.

(b) On the effective date of this act, of the \$21,247,425 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 2(a) of chapter 19 of the 2019 Session Laws of Kansas from the state general fund in the KPERs – employer contributions – USDs account (652-00-1000-0110), the sum of \$6,869,706 is hereby lapsed.

(c) On the effective date of this act, of the \$12,673,886 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 79(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the mental health intervention team pilot account (652-00-1000-0150), the sum of \$1,215,004 is hereby lapsed.

(d) On the effective date of this act, any unencumbered balance in the education super highway account (652-00-1000-0180) of the state general fund is hereby lapsed.

(e) On the effective date of this act, of the \$5,060,528 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 79(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the school district juvenile detention facilities and Flint Hills job corps center grants account (652-00-1000-0290), the sum of \$782,064 is hereby lapsed.

(f) On the effective date of this act, of the \$360,693 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 79(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the governor's teaching excellence scholarships and awards account (652-00-1000-0770), the sum of \$140,755 is hereby lapsed.

(g) On the effective date of this act, of the \$89,659,017 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 2(a) of chapter 19 of the 2019 Session Laws of Kansas from the state general fund in the state foundation aid account (652-00-1000-0820), the sum of \$18,897,038 is hereby lapsed.

New 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, 2022, the following:

Operating expenditures (including official hospitality) (652-00-1000-0053).....\$14,109,493

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

KPERS-school employer contributions-non-USDs (652-00-1000-0100).....\$41,853,675

*Provided*, That any unencumbered balance in the KPERS-school employer contributions-non-USDs account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

KPERS-school employer contributions-USDs (652-00-1000-0110).....\$537,971,506

*Provided*, That any unencumbered balance in the KPERS-school employer contributions-USDs account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

KPERS layering payment (652-00-1000-0120).....\$6,400,000  
 KPERS layering payment #2 (652-00-1000-0121).....\$19,400,000

ACT and workkeys assessments program (652-00-1000-0140).....\$2,800,000

Mental health intervention team pilot (652-00-1000-0150).....\$7,534,722

Education commission of the states (652-00-1000-0220).....\$67,700

School safety hotline (652-00-1000-0230).....\$10,000

School district juvenile detention facilities and Flint Hills job corps center grants (652-00-1000-0290).....\$5,060,528

*Provided*, That any unencumbered balance in the school district juvenile detention facilities and Flint Hills job corps center grants account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures shall be made from the school district juvenile detention facilities and Flint Hills job corps center grants account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-1173, and amendments thereto.

School food assistance (652-00-1000-0320).....	\$2,510,486
Mentor teacher (652-00-1000-0440).....	\$1,300,000
Educable deaf-blind and severely handicapped children's programs aid (652-00-1000-0630).....	\$110,000
Special education services aid (652-00-1000-0700).....	\$512,880,818

*Provided*, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child, unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *And provided further*, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3425, and amendments thereto: *And provided further*, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing provisos, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3422, and amendments thereto.

Supplemental state aid (652-00-1000-0840).....	\$2,400,000
Center for READING project manager.....	\$80,000

*Provided*, That notwithstanding section 30(c) of 2021 House Bill No. 2007, for the fiscal year ending June 30, 2022, on or before July 15, 2021, the above agency shall determine the amount of moneys from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260, the American rescue plan act of 2021, public law 117-2, or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for such purpose to provide a project manager grant to the center for READING at Pittsburg state university; *Provided further*, That, of such identified moneys, following transfers required in 2021 Senate Substitute for Substitute for House Bill No. 2196, 2021 Senate Substitute for House Bill No. 2208 or any other legislation passed by the legislature during the 2021 regular session and enacted into law, the above agency shall determine the remaining moneys available in special revenue funds: *And provided further*, That if the above agency in consultation with the director of the budget determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2022 to be used for the purposes of this proviso, the director of the budget shall certify the amount of

such federal coronavirus relief moneys to the director of accounts and reports and on the date of such certification, the sum of up to \$80,000 appropriated for the above agency for the fiscal year ending June 30, 2022, by this section from the state general fund in the center for READING project manager account, an amount equal to such certified amount is hereby lapsed: *And provided further*, That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research: *And provided further*, That the above agency shall expend moneys in such account to provide a project manager grant to the center for reading at Pittsburg state university to: (1) Assist in the development and support of a science of reading curricula for the state educational institutions and colleges based on the knowledge and practice standards that have been adopted by the state department of education; (2) develop and support a recommended dyslexia textbook list for in-class learning for school districts to use; (3) develop and support a recommended dyslexia resources list for in-class learning for school districts to use; (4) provide knowledge and support for a train the trainer program and professional development curriculum for school districts to use; and (5) provide knowledge and support for developing a list of qualified trainers for school districts to hire.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

School district capital outlay state aid fund.....No limit  
 Educational technology coordinator fund (652-00-2157-2157).....No limit

*Provided*, That expenditures shall be made by the above agency for the fiscal year ending June 30, 2022, from the educational technology coordinator fund of the department of education to provide data on the number of school districts served and cost savings for those districts in fiscal year 2022 in order to assess the cost effectiveness of the position of educational technology coordinator.

Communities in schools program fund (652-00-2221-2400).....No limit  
 Inservice education workshop fee fund (652-00-2230-2010).....No limit

*Provided*, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: *Provided further*, That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further*, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Federal indirect cost reimbursement fund (652-00-2312-2200).....	No limit
Conversion of materials and equipment fund (652-00-2420-2020).....	No limit
School bus safety fund (652-00-2532-2300).....	No limit
State safety fund (652-00-2538-2030).....	No limit
<i>Provided, That notwithstanding the provisions of K.S.A. 8-272, and amendments thereto, or any other statute, funds shall be distributed during fiscal year 2022 as soon as moneys are available.</i>	
Motorcycle safety fund (652-00-2633-2050).....	No limit
Teacher and administrator fee fund (652-00-2723-2060).....	No limit
Service clearing fund (652-00-2869-2800).....	No limit
School district capital improvements fund (652-00-2880-2880).....	No limit
<i>Provided, That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72-5457, and amendments thereto.</i>	
Reimbursement for services fund (652-00-3056-3200).....	No limit
ESSA – student support academic enrichment – federal fund (652-00-3113-3113).....	No limit
Educationally deprived children – state operations – federal fund (652-00-3131-3130).....	No limit
Food assistance – federal fund (652-00-3230-3020).....	No limit
Elementary and secondary school aid – federal fund (652-00-3233-3040).....	No limit
Education of handicapped children fund – federal (652-00-3234-3050).....	No limit
Community-based child abuse prevention – federal fund (652-00-3319-7400).....	No limit
TANF children's programs – federal fund (652-00-3323-0531).....	No limit
21 <sup>st</sup> century community learning centers – federal fund (652-00-3519-3890).....	No limit
State assessments – federal fund (652-00-3520-3800).....	No limit
Rural and low-income schools program – federal fund (652-00-3521-3810).....	No limit
Language assistance state grants – federal fund (652-00-3522-3820).....	No limit
State grants for improving teacher quality – federal fund (652-00-3526-3860).....	No limit
State grants for improving teacher quality – federal fund – state operations (652-00-3527-3870).....	No limit
Food assistance – school breakfast program – federal fund (652-00-3529-3490).....	No limit
Food assistance – national school lunch program – federal fund (652-00-3530-3500).....	No limit
Food assistance – child and adult care food program – federal fund (652-00-3531-3510).....	No limit

Elementary and secondary school aid – federal fund – local education agency fund (652-00-3532-3520).....	No limit
Education of handicapped children fund – state operations – federal fund (652-00-3534-3540).....	No limit
Education of handicapped children fund – preschool – federal fund (652-00-3535-3550).....	No limit
Education of handicapped children fund – preschool state operations – federal (652-00-3536-3560).....	No limit
Elementary and secondary school aid – federal fund – migrant education fund (652-00-3537-3570).....	No limit
Elementary and secondary school aid – federal fund – migrant education – state operations (652-00-3538-3580).....	No limit
Vocational education title I – federal fund (652-00-3539-3590).....	No limit
Vocational education title I – federal fund – state operations (652-00-3540-3600).....	No limit
Educational research grants and projects fund (652-00-3592-3070).....	No limit
Coronavirus relief fund – federal fund (652-00-3753).....	No limit
Local school district contribution program checkoff fund (652-00-7005-7005).....	No limit
Governor's teaching excellence scholarships program repayment fund (652-00-7221-7200).....	No limit
<i>Provided</i> , That all expenditures from the governor's teaching excellence scholarships program repayment fund shall be made in accordance with K.S.A. 72-2166, and amendments thereto: <i>Provided further</i> ; That each such grant shall be required to be matched on a \$1-for-\$1 basis from nonstate sources: <i>And provided further</i> ; That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: <i>And provided further</i> ; That all moneys received by the department of education for repayment of grants made under the governor's teaching excellence scholarships program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the governor's teaching excellence scholarships program repayment fund.	
Private donations, gifts, grants and bequests fund (652-00-7307-5000).....	No limit
Family and children investment fund (652-00-7375).....	No limit
State school district finance fund (652-00-7393).....	No limit
Mineral production education fund (652-00-7669-7669).....	No limit
(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2022, the following:	
Children's cabinet accountability fund (652-00-2000-2402).....	\$375,000

*Provided*, That any unencumbered balance in the children's cabinet accountability fund account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

CIF grants (652-00-2000-2408).....\$18,129,848

*Provided*, That any unencumbered balance in the CIF grants account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Quality initiative infants and toddlers (652-00-2000-2420).....\$500,000

*Provided*, That any unencumbered balance in the quality initiative infants and toddlers account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Early childhood block grant autism diagnosis (652-00-2000-2422).....\$50,000

*Provided*, That any unencumbered balance in the early childhood block grant autism diagnosis account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Parent education program (652-00-2000-2510).....\$8,437,635

*Provided*, That any unencumbered balance in the parent education program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022:

*Provided further*; That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount that is equal to not less than 50% of the grant.

Communities aligned in early development and education (652-00-2000-2550).....\$1,000,000

Pre-K pilot (652-00-2000-2535).....\$4,200,000

(d) On July 1, 2021, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-1,148 or 38-1808, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$50,000 from the family and children trust account of the family and children investment fund (652-00-7375-7900) of the department of education to the communities in schools program fund (652-00-2221-2400) of the department of education.

(e) On March 30, 2022, and June 30, 2022, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$550,000 from the state safety fund (652-00-2538-2030) to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*; That the amount transferred from the state safety fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed on behalf of the department of education by other state agencies that receive appropriations from the state general fund to provide such services.

(f) On July 1, 2021, and quarterly thereafter, the director of accounts and reports shall transfer \$73,750 from the state highway fund of the department of transportation to the school bus safety fund (652-00-2532-2300) of the department of education.

(g) On July 1, 2021, the director of accounts and reports shall transfer an amount certified by the commissioner of education from the motorcycle safety fund (652-00-

2633-2050) of the department of education to the motorcycle safety fund (561-00-2366-2360) of the state board of regents: *Provided*, That the amount to be transferred shall be determined by the commissioner of education based on the amounts required to be paid pursuant to K.S.A. 8-272(b)(2), and amendments thereto.

(h) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$70,000 from the USAC E-rate program federal fund (561-00-3920-3920) of the state board of regents to the education technology coordinator fund (652-00-2157-2157) of the department of education.

(i) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2022, the following:

Children's cabinet administration (652-00-7000-7001).....\$260,535

*Provided*, That any unencumbered balance in the children's cabinet administration account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(j) During the fiscal year ending June 30, 2022, the commissioner of education, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2022 from the state general fund for the department of education to another item of appropriation for fiscal year 2022 from the state general fund for the department of education. The commissioner of education shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(k) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2022, the following:

KPERS – school employer contribution (652-00-1700-1700).....\$41,143,515

*Provided*, That during the fiscal year ending June 30, 2022, the amount appropriated from the expanded lottery act revenues fund in the KPERS – school employer contribution account (652- 00-1700-1700) for the department of education shall be for the purpose of reducing the unfunded actuarial liability of the Kansas public employees retirement system attributable to the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, in accordance with K.S.A. 74-8768, and amendments thereto.

(l) On July 1, 2021, of the \$2,440,966,522 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 80(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the state foundation aid account (652-00-1000-0820), the sum of \$3,344,193 is hereby lapsed.

(m) Notwithstanding the provisions of any other statute, any appropriation act or any other provision of this act, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260, the American rescue plan act of 2021, public law 117-2, or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for

such purpose to provide school safety and security grants: *Provided*, That such expenditures shall not exceed \$5,000,000: *Provided further*, That expenditures shall be made for fiscal year 2022 for disbursements of grant moneys approved by the state board of education for the acquisition and installation of security cameras and any other systems, equipment and services necessary for security monitoring of facilities operated by a school district and for securing doors, windows and any entrances to such facilities: *Provided further*, That all moneys expended for school safety and security grants for fiscal year 2022 shall be matched by the receiving school district on a \$1-for-\$1 basis from other moneys of the district that may be used for such purpose as permitted under federal law: *Provided further*, That if the above agency determines such moneys may not be used for such purposes, expenditures shall not be made and the agency shall send a copy of such determination to the director of the budget and the director of legislative research.

(n) Notwithstanding the provisions of any other statute, any appropriation act or any other provision of this act, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260, the American rescue plan act of 2021, public law 117-2, or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for such purpose for the mental health intervention team pilot program: *Provided*, That such expenditures shall not exceed \$3,924,160: *Provided further*, That if the above agency determines such moneys may not be used for such purposes, expenditures shall not be made and the agency shall send a copy of such determination to the director of the budget and the director of legislative research.

(o) Notwithstanding the provisions of any other statute, any appropriation act or any other provision of this act, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260, the American rescue plan act of 2021, public law 117-2, or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for such purpose for the communities in schools program: *Provided*, That such expenditures shall not exceed \$100,000: *Provided further*, That if the above agency determines such moneys may not be used for such purposes, expenditures shall not be made and the agency shall send a copy of such determination to the director of the budget and the director of legislative research.

(p) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or from any

special revenue fund or funds for fiscal year 2022, expenditures shall be made by the above agency from such moneys to recommend additional compensation to each classroom teacher, paraprofessional and hourly employee who was employed by the board of education of a school district throughout school year 2020-2021 and who continues to be employed by the school district in school year 2021-2022; *Provided*, That the additional compensation recommended pursuant to this subsection shall not exceed \$500 and is intended to recognize and compensate the classroom teachers, paraprofessionals and hourly employees for the duties beyond the normal scope of employment during a pandemic, including, but not limited to, creation of new lesson plans for remote and distance instruction modes, classroom modifications for social distancing, maintaining sanitary conditions and conducting home visits: *Provided further*, That each board of education of a school district shall review the moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260, the American rescue plan act of 2021, public law 117-2, or any other federal law that appropriates moneys to the state for aid for coronavirus relief, to determine if such funds may be available for such purpose: *And provided further*, That for the purposes of this section, "classroom teacher" means any person who holds a certificate to teach and is under contract to teach on a full-time basis by a board of education and any person who is under contract to teach on a full-time basis by a board of education but who does so pursuant to a licensure waiver granted pursuant to rules and regulations of the state department of education, and does not include any superintendent, assistant superintendent, supervisor or principal employed pursuant to K.S.A. 72-1134, and amendments thereto.

New Sec. 3.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

State foundation aid (652-00-1000-0820).....	\$2,524,235,833
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*Provided*, That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Supplemental state aid (652-00-1000-0840).....	\$534,100,000
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*Provided*, That any unencumbered balance in the supplemental state aid account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

State school district finance fund (652-00-7393).....	No limit
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Mineral production education fund (652-00-7669-7669).....	No limit
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New Sec. 4. (a) The state department of education and the department for children and families shall collaborate to prepare a Kansas foster care children annual academic report card. The annual report card shall include the following data for the preceding school year:

- (1) The graduation rate of students in foster care;
- (2) the number and percentage of students in foster care who were promoted to the next grade level;
- (3) the number and percentage of students in foster care who were suspended during the school year and the average length of time of such suspensions;
- (4) the number and percentage of students in foster care who were expelled during the school year;
- (5) state standardized assessment scores for students in foster care, including the number and percentage of students meeting academic standards as determined by the state board of education;
- (6) the number and percentage of students in foster care enrolled in any preschool-aged at-risk program, Kansas preschool pilot program or early childhood special education program under section 619 of part B of the individuals with disabilities act;
- (7) the number and percentage of students in foster care who participated in the mental health intervention team pilot program or a similar mental health program;
- (8) the total number of students in foster care enrolled in a school district or nonpublic school and the disaggregated number and percentage of students in foster care enrolled in school districts and accredited nonpublic schools;
- (9) de-identified disaggregated race and ethnicity data for each data set required in paragraphs (1) through (8); and
- (10) any additional data elements that both the state department of education and the department for children and families deem appropriate for inclusion.

(b) On or before January 15 of each year, the state department of education and the department for children and families shall prepare and submit the Kansas foster care children annual academic report card to the senate standing committee on education and the house of representatives standing committee on education.

(c) As used in this section:

- (1) "School" means any school of a school district or any nonpublic school accredited by the state board of education.
- (2) "Student in foster care" means any individual who was in the custody of the Kansas department for children and families at any time when such student attended a school during the school year for which the report required pursuant to this section is to be completed.

(d) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 5. (a) To assist students identified as eligible to receive at-risk educational programs and services in meeting state board of education outcome goals, the state board of education shall require school districts to implement at-risk educational programs and services that provide additional educational opportunities, interventions and evidence-based instruction using the at-risk best practices identified pursuant to K.S.A. 72-5153, and amendments thereto.

(b) A student shall be identified as eligible to receive at-risk programs and services if the student meets one or more of the following criteria:

- (1) Is not working on academic grade level;
- (2) is not meeting the requirements necessary for promotion to the next grade or is failing subjects or courses of study;
- (3) is not meeting the requirements necessary for graduation from high school or has the potential to drop out of school;

- (4) has insufficient mastery of skills or is not meeting state standards;
- (5) has been retained;
- (6) has a high rate of absenteeism;
- (7) has repeated suspensions or expulsions from school;
- (8) is homeless or migrant;
- (9) is identified as an English language learner;
- (10) has social-emotional needs that cause the student to be unsuccessful in school;

or

- (11) is identified as a student with dyslexia or characteristics of dyslexia.

(c) This section shall be a part of and supplemental to the Kansas school equity and enhancement act.

- (d) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 6. (a) Commencing in the 2021-2022 school year, except as otherwise provided in this section, no school district shall provide or offer to any student enrolled in the district more than a total of 40 school term hours of remote learning unless:

(1) The board of education of the school district has authorized a student to temporarily attend school through remote learning in excess of the 40-hour limitation pursuant to a temporary individual exemption granted pursuant to subsection (b); or

(2) due to a disaster, the state board of education has authorized the school district to conduct remote learning in excess of the 40-hour limitation pursuant to subsection (c) or has waived the limitations provided in subsection (d).

(b) The board of education of a school district may temporarily suspend the remote learning limitation provided in subsection (a) on an individual student basis for any student who cannot reasonably attend school in person due to an illness, medical condition, injury or any other extraordinary circumstance that would necessitate remote learning to allow the student to continue to receive an education during the existence of such circumstance. The board of education of the school district shall notify the state board of any individual exemptions provided pursuant to this subsection and the reason for such exemption.

(c) The state board of education may authorize a school district to exceed the 40-hour remote learning limitation upon application by the school district. The application may be granted by the state board of education upon:

(1) Certification by a school district that, due to a disaster, conditions resulting from widespread or severe property damage caused by the disaster or other conditions restricting the operation of public schools will exist in the school district for an inordinate period of time; and

(2) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with the requirements of this section unless remote learning is conducted for a period of time not to exceed 240 school term hours, unless such limitation is waived by the state board pursuant to subsection (d).

(d) The state board of education may waive the requirements of law relating to the remote learning limitations pursuant to subsection (c) in any school year upon application for such waiver by a school district. The waiver may be granted by the state board of education upon:

(1) Certification by a board of education that, due to a disaster, conditions resulting from widespread or severe property damage caused by the disaster or other conditions restricting the operation of public schools will exist in the school district for an

inordinate period of time; and

(2) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with such requirements of law and that remote learning beyond the limitations provided in subsection (c) is necessary to allow the school district to continue to provide education to students during such conditions.

(e) (1) Any student who attends a school of a school district through remote learning in excess of the remote learning limitations provided pursuant to this section shall be deemed a remote learning student and shall be counted as a remotely enrolled student for state aid purposes.

(2) On or before June 30 of each school year:

(A) A school district that offers remote learning during the school year shall determine the remote enrollment of the district based on the number of students remotely enrolled in accordance with this section;

(B) the clerk or superintendent of each school district shall certify under oath to the state board a report showing the remote enrollment of the school district determined pursuant to this subsection by the grades maintained in the schools of the school district. The state board shall examine such reports upon receipt, and if the state board finds any errors in any such report, the state board shall consult with the school district officer furnishing the report and make any necessary corrections in the report; and

(C) the state board shall determine the number of students who were included in the remote enrollment of each school district and recompute the enrollment of the school district as required pursuant to this subsection.

(3) A school district that offers remote learning and is determined to have remotely enrolled students pursuant to this section shall receive remote enrollment state aid. The state board shall determine the amount of remote enrollment state aid a school district is to receive by multiplying the remote enrollment of the school district by \$5,000. No remote enrollment state aid shall be provided for any student who participates in remote learning on a part-time basis during the school day.

(4) The state board shall notify each school district of the amount of remote enrollment state aid the district shall receive pursuant to this section and, pursuant to K.S.A. 72-5136, and amendments thereto, shall:

(A) Require the district to remit any such amount of overpayment made to the district in the current school year; or

(B) deduct the excess amounts paid to the district from future payments made to the school district.

(5) If a student is included in the remote enrollment of a district pursuant to this subsection, such student shall not be included in the adjusted enrollment of the district in the current school year.

(f) Each school district that determines remote enrollment pursuant to this section shall submit any documentation or information required by the state board.

(g) As used in this section, "disaster" means a state of disaster emergency declared by proclamation of the governor pursuant to K.S.A. 48-924, and amendments thereto, closure of schools by order issued by a county or joint board of health, a local health officer pursuant to K.S.A. 65-119, and amendments thereto, or the secretary of health and environment pursuant to K.S.A. 65-126, and amendments thereto, or occurrence of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause, including, but not limited to, fire, flood, earthquake, tornado,

wind, storm, an epidemic, air contamination, blight, drought, infestation or explosion.

(h) This section shall be a part of and supplemental to the Kansas school equity and enhancement act.

(i) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 7. (a) Each eligible postsecondary educational institution that accepts students for enrollment pursuant to the Kansas challenge to secondary school students act shall submit a report annually to the state board of regents. Such report shall include, but not be limited to, the following:

(1) The number of students from each school district enrolled in the eligible postsecondary educational institution, including the number of students in the custody of the secretary for children and families;

(2) the number of students who successfully complete the courses in which such students are enrolled at the eligible postsecondary educational institution;

(3) the tuition rate charged for students compared to the tuition rate charged to individuals who are regularly enrolled and attending the eligible postsecondary educational institution; and

(4) the amount and percentage of tuition each school district is paying pursuant to K.S.A. 72-3223, and amendments thereto.

(b) The state board of regents shall compile and prepare a summary report of the reports submitted pursuant to subsection (a) and shall submit such report to the house standing committee on education and the senate standing committee on education on or before February 15 of each year commencing in 2022.

(c) This section shall take effect and be in force from and after July 1, 2021.

Sec. 8. On and after July 1, 2021, K.S.A. 72-1163 is hereby amended to read as follows: 72-1163. (a) Each year the board of education of a school district shall conduct an assessment of the educational needs of each attendance center in the district. Information obtained from such needs-assessment shall be used by the board when preparing the budget of the school district to ensure improvement in student academic performance. The budget of the school district shall allocate sufficient moneys in a manner reasonably calculated such that all students may achieve the goal set forth in K.S.A. 72-3218(c), and amendments thereto. The board also shall prepare a summary of the budget for the school district. The budgets and summary shall be in the form prescribed by the director pursuant to K.S.A. 79-2926, and amendments thereto.

(b) The budgets and the summary of the proposed budget shall be on file at the administrative offices of the school district. Copies of such budgets and summary shall be available upon request.

(c) The notice required to be published by K.S.A. 79-2929, and amendments thereto, shall include a statement that the budgets and the summary of the proposed budget is on file at the administrative offices of the district and that copies of such budgets and summary are available upon request.

Sec. 9. On and after July 1, 2021, K.S.A. 2020 Supp. 72-3117 is hereby amended to read as follows: 72-3117. (a) The state board of education may waive the requirements of law relating to the duration of the school term in any school year upon application for such waiver by a school district. The waiver may be granted by the state board of education upon:

(1) Certification by a board of education that, due to a disaster, conditions resulting from widespread or severe property damage caused by the disaster ~~or other conditions~~

restricting the operation of public schools will exist in the school district for an inordinate period of time; and

(2) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with such requirements of law. The period of time school is not maintained during any school year due to conditions resulting from a disaster, upon granting of the waiver by the state board of education, shall be considered a part of the school term.

(b) As used in this section, the term "disaster" means the ~~declaration of a state of disaster emergency by the governor pursuant to K.S.A. 48-924, and amendments thereto, closure of schools by order issued by a county or joint board of health, a local health officer pursuant to K.S.A. 65-119, and amendments thereto, or the secretary of health and environment pursuant to K.S.A. 65-126, and amendments thereto, or~~ occurrence of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause, including, but not limited to, fire, flood, earthquake, tornado, wind, storm, ~~epidemics an epidemic,~~ air contamination, blight, drought, infestation or explosion.

Sec. 10. On and after July 1, 2021, K.S.A. 72-3220 is hereby amended to read as follows: 72-3220. ~~(a) K.S.A. 72-3220 through 72-3224, and amendments thereto, and section 7, and amendments thereto,~~ shall be known and may be cited as the Kansas challenge to secondary school pupils students act.

~~(b) The provisions of this section shall take effect and be in force from and after July 1, 1993.~~

Sec. 11. On and after July 1, 2021, K.S.A. 72-3221 is hereby amended to read as follows: 72-3221. ~~(a) The legislature hereby declares that secondary school pupils~~ students should be challenged continuously in order to maintain their interests in the pursuit of education and skills critical to success in the modern world. ~~Therefore, It is the purpose and intention of the Kansas challenge to secondary school pupils students~~ act to provide a means ~~whereby that~~ school districts, in cooperation with institutions of postsecondary education, may provide new and exciting challenges to secondary school ~~pupils students~~ by encouraging ~~them such students~~ such students to take full advantage of the wealth of postsecondary ~~education educational~~ opportunities available in this state.

~~(b) The provisions of this section shall take effect and be in force from and after July 1, 1993.~~

Sec. 12. On and after July 1, 2021, K.S.A. 72-3222 is hereby amended to read as follows: 72-3222. As used in the Kansas challenge to secondary school pupils students act:

(a) ~~"Concurrent enrollment pupil"~~ "Student" means a person who: (1) Is enrolled in grades 10, 11 or 12 maintained by a school district, or a gifted child who is enrolled in any of the grades 9 through 12 maintained by a school district; (2) has an individualized plan of study or an individualized education program; (3) has demonstrated the ability to benefit from participation in the regular curricula of eligible postsecondary ~~education educational~~ institutions; (4) has been authorized by the principal of the school attended to apply for enrollment at an eligible postsecondary ~~education educational~~ institution; and (5) is acceptable or has been accepted for enrollment at an eligible postsecondary ~~education educational~~ institution.

(b) "Eligible postsecondary ~~education educational~~ institution" means any state educational institution, community college, municipal university, technical college or

accredited independent institution.

(c) "State educational institution" ~~has the meaning ascribed thereto~~ means the same as defined in K.S.A. 76-711, and amendments thereto.

(d) "Community college" means any community college organized and operating under the laws of this state.

(e) "Municipal university" means a municipal university established under the provisions of article 13a of chapter 13 of the Kansas Statutes Annotated, and amendments thereto.

(f) "Accredited independent institution" means ~~an a not-for-profit institution of postsecondary education the main campus of which is located in Kansas and which that:~~ (1) Is operated independently and not controlled or administered by any state agency or any subdivision of the state;; (2) maintains open enrollment;; and (3) is accredited by ~~the north central association of colleges and secondary schools accrediting agency based on its requirements as of April 1, 1985~~ a nationally recognized accrediting agency for higher education in the United States.

(g) "Technical college" ~~has the meaning ascribed thereto~~ means the same as defined in K.S.A. 74-32,407, and amendments thereto.

(h) "Gifted child" ~~has the meaning ascribed thereto~~ means the same as defined in K.S.A. 72-3404, and amendments thereto, or in rules and regulations adopted pursuant thereto.

Sec. 13. On and after July 1, 2021, K.S.A. 72-3223 is hereby amended to read as follows: 72-3223. (a) The board of education of any school district and any eligible postsecondary ~~education~~ educational institution may enter into a cooperative agreement regarding the dual or concurrent enrollment of ~~concurrent enrollment pupils~~ students in courses of instruction for college credit at the eligible postsecondary ~~education~~ educational institution. The agreement shall include, but need not be limited to, the following:

(1) The academic credit to be granted for course work successfully completed by the ~~pupil student~~ at the institution, which credit shall qualify ~~as college credit and may qualify~~ as both high school and college credit;

(2) the requirement that such course work qualify as credit applicable toward the award of a degree or certificate at the institution;

(3) except as otherwise provided in subsection (b), the requirement that the pupil shall pay to the institution the student shall pay the negotiated amount of tuition and related costs charged by the institution for the student's enrollment of the pupil; and

(4) the requirement that the eligible postsecondary educational institution shall notify the student or the student's parent or guardian if the course the student enrolled in at the eligible postsecondary educational institution is not a systemwide transfer course approved by the state board of regents and, as a result, the student may not receive credit for such course if the student transfers to or attends another state postsecondary educational institution.

(b) ~~The provisions of this section shall take effect and be in force from and after July 1, 1993. The board of education of a school district, in its discretion, may pay all or a portion of the negotiated amount of tuition and related costs, including fees, books, materials and equipment, charged by an eligible postsecondary educational institution for a student's enrollment in such institution. As part of any agreement entered into pursuant to this section, the board of education of a school district shall not be required~~

to pay any amount of tuition and required fees that are waived for an eligible foster child pursuant to the foster child educational assistance act, K.S.A. 75-53,111 et seq., and amendments thereto, except that the board, in its discretion, may pay any related costs that are not waived pursuant to such act, including fees, books, materials and equipment, charged by an eligible postsecondary educational institution for the student's enrollment in such institution. Any such payment shall be paid directly to the eligible postsecondary educational institution and shall be credited to such student's account.

Sec. 14. On and after July 1, 2021, K.S.A. 72-3224 is hereby amended to read as follows: 72-3224. (a) ~~No school district shall be responsible for the payment of tuition charged to concurrent enrollment pupils by eligible education institutions or for the provision of transportation for such pupils. Except as otherwise provided in K.S.A. 72-3223(b), and amendments thereto, each student dually or concurrently enrolled in an eligible postsecondary educational institution pursuant to K.S.A. 72-3220 et seq., and amendments thereto, shall be responsible for the payment of the negotiated tuition and related costs, including fees, books, materials and equipment, charged by such institution for the student's enrollment.~~

(b) The board of education of a school district, in its discretion, may provide for the transportation of a student to or from any eligible postsecondary educational institution.

~~(b) Each concurrent enrollment pupil shall be responsible for payment of tuition for enrollment at an eligible postsecondary education institution and for payment of the costs of books and equipment and any other costs of enrollment.~~

~~(c) Each concurrent enrollment pupil student dually or concurrently enrolled in an eligible postsecondary educational institution pursuant to K.S.A. 72-3220 et seq., and amendments thereto, who satisfactorily completes course work at an eligible postsecondary education such institution shall be granted appropriate credit toward fulfillment of the requirements for graduation from high school unless such credit is denied by the school district in which the pupil is enrolled on the basis that high school credit is inappropriate for such course work.~~

~~(d) The provisions of this section shall take effect and be in force from and after July 1, 1993. In order to remain eligible for participation in the program, a student shall remain in good standing at the eligible postsecondary educational institution or shall show satisfactory progress as determined by the school district.~~

(e) The provisions of the Kansas challenge to secondary school students act shall not apply to any career technical education courses or programs that receive financial assistance or funding pursuant to K.S.A. 72-3810 or 72-3819, and amendments thereto.

Sec. 15. On and after July 1, 2021, K.S.A. 2020 Supp. 72-4352 is hereby amended to read as follows: 72-4352. As used in the tax credit for low income students scholarship program act:

(a) "Contributions" means monetary gifts or donations and in-kind contributions, gifts or donations that have an established market value.

(b) "Department" means the Kansas department of revenue.

(c) "Educational scholarship" means an amount not to exceed \$8,000 per school year provided to an eligible student, or to a qualified school with respect to an eligible student, to cover all or a portion of the costs of education including tuition, fees and expenses of a qualified school and, if applicable, the costs of transportation to a qualified school if provided by such qualified school.

(d) "Eligible student" means a child who:

~~(1) (A) Is an at-risk student, as defined in K.S.A. 72-5132, and amendments thereto, and who is attending a public school; or (B) has been eligible to receive an educational scholarship under this program and has not graduated from high school or reached 21 years of age;~~

~~(2) Resides in Kansas while eligible for an educational scholarship; and~~

~~(3) (A)(2) (A) (i) Is eligible for free or reduced-price meals under the national school lunch act; and~~

~~(ii) (a) was enrolled in kindergarten or any of the grades one through eight in any public school in the previous school year in which an educational scholarship is first sought for the child; or~~

~~(B)(b) is eligible to be enrolled in any public school in the school year in which an educational scholarship is first sought for the child and the child is under the age of six years; or~~

~~(B) has received an educational scholarship under the program and has not graduated from high school or reached the age of 21 years.~~

(e) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child.

(f) "Program" means the tax credit for low income students scholarship program established in K.S.A. 72-4351 through 72-4357, and amendments thereto.

~~(g) "Public school" means an elementary school that is operated by a school district, and identified by the state board as one of the lowest 100 performing elementary schools with respect to student achievement among all elementary schools operated by school districts for the current school year any school operated by a unified school district under the laws of this state.~~

(h) "Qualified school" means any nonpublic school that:

~~(1) Provides education to elementary or secondary students;~~

~~(2) is accredited by the state board or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure;~~

~~(3) has notified the state board of its intention to participate in the program; and~~

~~(4) complies with the requirements of the program. On and after July 1, 2020, a qualified school shall be accredited by the state board or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure.~~

(i) "Scholarship granting organization" means an organization that complies with the requirements of this program and provides educational scholarships to eligible students or to qualified schools in which parents have enrolled eligible students.

(j) "School district" or "district" means any unified school district organized and operating under the laws of this state.

~~(k) "School year" shall have the meaning ascribed thereto means the same as in K.S.A. 72-5132, and amendments thereto.~~

(l) "Secretary" means the secretary of revenue.

(m) "State board" means the state board of education.

Sec. 16. On and after July 1, 2021, K.S.A. 2020 Supp. 72-4354 is hereby amended to read as follows: 72-4354. (a) To be eligible to participate in the program, a scholarship granting organization shall comply with the following:

(1) The scholarship granting organization shall notify the secretary and the state board of the scholarship granting organization's intent to provide educational scholarships;

(2) upon granting an educational scholarship, the scholarship granting organization shall report such information to the state board;

(3) the scholarship granting organization shall provide verification to the secretary that the scholarship granting organization is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(4) upon receipt of contributions in an aggregate amount or value in excess of \$50,000 during a school year, a scholarship granting organization shall file with the state board either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the scholarship granting organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(5) scholarship granting organizations that provide other nonprofit services in addition to providing educational scholarships shall not commingle contributions made under the program with other contributions made to such organization. A scholarship granting organization under this subsection shall also file with the state board, prior to the commencement of each school year, either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the nonprofit organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(6) each qualified school receiving educational scholarships from the scholarship granting organization shall annually certify to the scholarship granting organization its compliance with the requirements of the program;

(7) at the end of the calendar year, the scholarship granting organization shall have its accounts examined and audited by a certified public accountant. Such audit shall include, but not be limited to, information verifying that the educational scholarships awarded by the scholarship granting organization were distributed to qualified schools with respect to eligible students determined by the state board under K.S.A. 72-4353(c), and amendments thereto, and information specified in this section. Prior to filing a copy of the audit with the state board, such audit shall be duly verified and certified by a certified public accountant; and

(8) if a scholarship granting organization decides to limit the number or type of qualified schools who will receive educational scholarships, the scholarship granting organization shall provide, in writing, the name or names of those qualified schools to any contributor and the state board.

(b) No scholarship granting organization shall provide an educational scholarship with respect to any eligible student to attend any qualified school with paid staff or paid board members, or relatives thereof, in common with the scholarship granting organization.

(c) The scholarship granting organization shall disburse not less than 90% of contributions received pursuant to the program in the form of educational scholarships within 36 months of receipt of such contributions. If such contributions have not been disbursed within the applicable 36-month time period, then the scholarship granting organization shall not accept new contributions until 90% of the received contributions have been disbursed in the form of educational scholarships. Any income earned from contributions must be disbursed in the form of educational scholarships.

(d) A scholarship granting organization may continue to provide an educational scholarship with respect to a student who was an eligible student in the year immediately preceding the current school year.

(e)-(4) A scholarship granting organization shall direct payments of educational scholarships to the qualified school attended by the eligible student or in which the eligible student is enrolled. Payment may be made by check made payable to both the parent and the qualified school or to only the qualified school. If an eligible student transfers to a new qualified school during a school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the new qualified school based on the eligible student's attendance. If the eligible student transfers to a public school and enrolls in such public school after September 20 of the current school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the public school based on the eligible student's attendance. The prorated amount to the public school shall be considered a donation and shall be paid to the school district of such public school in accordance with K.S.A. 72-1142, and amendments thereto.

~~(2) As used in this subsection, the term "public school" means any school operated by a school district.~~

(f) Each qualified school 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 K.S.A. 2020 Supp. 72-5178, and amendments thereto, for such school are published. The link shall be prominently displayed on the school's accountability reports webpage.

(g) By June 1 of each year, a scholarship granting organization shall submit a report to the state board for the educational scholarships provided in the immediately preceding 12 months. Such report shall be in a form and manner as prescribed by the state board, approved and signed by a certified public accountant, and shall contain the following information:

- (1) The name and address of the scholarship granting organization;
- (2) the name and address of each eligible student with respect to whom an educational scholarship was awarded by the scholarship granting organization;
- (3) the total number and total dollar amount of contributions received during the 12-month reporting period; and
- (4) the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period and the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period with respect to eligible students who qualified under K.S.A. 72-4352(d), and amendments thereto.

~~(g)~~(h) No scholarship granting organization shall:

- (1) Provide an educational scholarship with respect to an eligible student that is established by funding from any contributions made by any relative of such eligible

student; or

(2) accept a contribution from any source with the express or implied condition that such contribution be directed toward an educational scholarship for a particular eligible student.

Sec. 17. On and after July 1, 2021, K.S.A. 2020 Supp. 72-5131 is hereby amended to read as follows: 72-5131. ~~K.S.A. 72-5131 through 72-5176, and amendments thereto, and K.S.A. 2019 Supp. 72-5178 and 72-5179 et seq.,~~ and amendments thereto, shall be known and may be cited as the Kansas school equity and enhancement act.

Sec. 18. On and after July 1, 2021, K.S.A. 2020 Supp. 72-5132 is hereby amended to read as follows: 72-5132. As used in the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto:

(a) "Adjusted enrollment" means the enrollment of a school district, excluding the remote enrollment determined pursuant to section 6, and amendments thereto, adjusted by adding the following weightings, if any, to the enrollment of a school district: At-risk student weighting; bilingual weighting; career technical education weighting; high-density at-risk student weighting; high enrollment weighting; low enrollment weighting; school facilities weighting; ancillary school facilities weighting; cost-of-living weighting; special education and related services weighting; and transportation weighting.

(b) "Ancillary school facilities weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5158, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(c) (1) "At-risk student" means a student who is eligible for free meals under the national school lunch act, and who is enrolled in a school district that maintains an approved at-risk student assistance program.

(2) The term "at-risk student" shall not include any student enrolled in any of the grades one through 12 who is in attendance less than full time, or any student who is over 19 years of age. The provisions of this paragraph shall not apply to any student who has an individualized education program.

(d) "At-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5151(a), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(e) "Base aid for student excellence" or "BASE aid" means an amount appropriated by the legislature in a fiscal year for the designated year. The amount of BASE aid shall be as follows:

- (1) For school year 2018-2019, \$4,165;
- (2) for school year 2019-2020, \$4,436;
- (3) for school year 2020-2021, \$4,569;
- (4) for school year 2021-2022, \$4,706;
- (5) for school year 2022-2023, \$4,846; and
- (6) for school year 2023-2024, and each school year thereafter, the BASE aid shall be the BASE aid amount for the immediately preceding school year plus an amount equal to the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor during the three immediately preceding school years

rounded to the nearest whole dollar amount.

(f) "Bilingual weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5150, and amendments thereto, on the basis of costs attributable to the maintenance of bilingual educational programs by such school districts.

(g) "Board" means the board of education of a school district.

(h) "Budget per student" means the general fund budget of a school district divided by the enrollment of the school district.

(i) "Categorical fund" means and includes the following funds of a school district: Adult education fund; adult supplementary education fund; at-risk education fund; bilingual education fund; career and postsecondary education fund; driver training fund; educational excellence grant program fund; extraordinary school program fund; food service fund; parent education program fund; preschool-aged at-risk education fund; professional development fund; special education fund; and summer program fund.

(j) "Cost-of-living weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5159, and amendments thereto, on the basis of costs attributable to the cost of living in such school districts.

(k) "Current school year" means the school year during which state foundation aid is determined by the state board under K.S.A. 72-5134, and amendments thereto.

(l) "Enrollment" means, except as provided in section 6, and amendments thereto:

(1) The number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the preceding school year plus the number of preschool-aged at-risk students regularly enrolled in the school district on September 20 of the current school year, except a student who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the school district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the school district for at least one semester or two quarters, or the equivalent thereof.

(2) If the enrollment in a school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means the sum of:

(A) The enrollment in the second preceding school year, excluding students under paragraph (2)(B), minus enrollment in the preceding school year of preschool-aged at-risk students, if any, plus enrollment in the current school year of preschool-aged at-risk students, if any; and

(B) the adjusted enrollment in the second preceding school year of any students participating in the tax credit for low income students scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the preceding school year, if any, plus the adjusted enrollment in the preceding school year of preschool-aged at-risk students who are participating in the tax credit for low income students scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the current school year, if any.

(3) For any school district that has a military student, as that term is defined in K.S.A. 72-5139, and amendments thereto, enrolled in such district, and that received federal impact aid for the preceding school year, if the enrollment in such school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means

whichever is the greater of:

- (A) The enrollment determined under paragraph (2); or
- (B) the sum of the enrollment in the preceding school year of preschool-aged at-risk students, if any, and the arithmetic mean of the sum of:
  - (i) The enrollment of the school district in the preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any;
  - (ii) the enrollment in the second preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any; and
  - (iii) the enrollment in the third preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any.
- (4) The enrollment determined under paragraph (1), (2) or (3), except if the school district begins to offer kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.
- (m) "February 20" has its usual meaning, except that in any year in which February 20 is not a day on which school is maintained, it means the first day after February 20 on which school is maintained.
- (n) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a school district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.
- (o) "General fund" means the fund of a school district from which operating expenses are paid and in which is deposited all amounts of state foundation aid provided under this act, payments under K.S.A. 72-528, and amendments thereto, payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program and such other moneys as are provided by law.
- (p) "General fund budget" means the amount budgeted for operating expenses in the general fund of a school district.
- (q) "High-density at-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5151(b), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.
- (r) "High enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5149(b), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.
- (s) "Juvenile detention facility" means the same as such term is defined in K.S.A. 72-1173, and amendments thereto.
- (t) "Local foundation aid" means the sum of the following amounts:
  - (1) An amount equal to any unexpended and unencumbered balance remaining in the general fund of the school district, except moneys received by the school district and

authorized to be expended for the purposes specified in K.S.A. 72-5168, and amendments thereto;

(2) an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, ~~and amendments thereto~~, prior to their repeal;

(3) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district under the provisions of K.S.A. 72-3123(a), and amendments thereto;

(4) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district pursuant to contracts made and entered into under authority of K.S.A. 72-3125, and amendments thereto;

(5) an amount equal to the amount credited to the general fund in the current school year from moneys distributed in such school year to the school district under the provisions of articles 17 and 34 of chapter 12 of the Kansas Statutes Annotated, and amendments thereto, and under the provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto;

(6) an amount equal to the amount of payments received by the school district under the provisions of K.S.A. 72-3423, and amendments thereto;

(7) an amount equal to the amount of any grant received by the school district under the provisions of K.S.A. 72-3425, and amendments thereto; and

(8) an amount equal to 70% of the federal impact aid of the school district.

(u) "Low enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5149(a), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(v) "Operating expenses" means the total expenditures and lawful transfers from the general fund of a school district during a school year for all purposes, except expenditures for the purposes specified in K.S.A. 72-5168, and amendments thereto.

(w) "Preceding school year" means the school year immediately before the current school year.

(x) "Preschool-aged at-risk student" means an at-risk student who has attained the age of three years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines governing the selection of students for participation in head start programs.

(y) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten. The terms "exceptional children" and "gifted children" have the same meaning as those terms are defined in K.S.A. 72-3404, and amendments thereto.

(z) "Psychiatric residential treatment facility" means the same as such term is defined in K.S.A. 72-1173, and amendments thereto.

(aa) (1) "Remote enrollment" means the number of students regularly enrolled in kindergarten and grades one through 12 in the school district who attended school through remote learning in excess of the remote learning limitations provided in section 6, and amendments thereto.

(2) This subsection shall not apply in any school year prior to the 2021-2022 school year.

(bb) (1) "Remote learning" means a method of providing education in which the student, although regularly enrolled in a school district, does not physically attend the attendance center such student would otherwise attend in person on a full-time basis and curriculum and instruction are prepared, provided and supervised by teachers and staff of such school district to approximate the student learning experience that would take place in the attendance center classroom.

(2) "Remote learning" does not include virtual school as such term is defined in K.S.A. 72-3712, and amendments thereto.

(3) This subsection shall not apply in any school year prior to the 2021-2022 school year.

(cc) "School district" means a school district organized under the laws of this state that is maintaining public school for a school term in accordance with the provisions of K.S.A. 72-3115, and amendments thereto.

(~~bb~~)(dd) "School facilities weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5156, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(~~ee~~)(ee) "School year" means the 12-month period ending June 30.

(~~dd~~)(ff) "September 20" has its usual meaning, except that in any year in which September 20 is not a day on which school is maintained, it means the first day after September 20 on which school is maintained.

(~~ee~~)(gg) "Special education and related services weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5157, and amendments thereto, on the basis of costs attributable to the maintenance of special education and related services by such school districts.

(~~ff~~)(hh) "State board" means the state board of education.

(~~gg~~)(ii) "State foundation aid" means the amount of aid distributed to a school district as determined by the state board pursuant to K.S.A. 72-5134, and amendments thereto.

(~~hh~~)(jj) (1) "Student" means any person who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 maintained by the school district or who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 in another school district in accordance with an agreement entered into under authority of K.S.A. 72-13,101, and amendments thereto, or who is regularly enrolled in a school district and attending special education services provided for preschool-aged exceptional children by the school district.

(2) (A) Except as otherwise provided in this subsection, the following shall be counted as one student:

(i) A student in attendance full-time; and

(ii) a student enrolled in a school district and attending special education and related services, provided for by the school district.

(B) The following shall be counted as 1/2 student:

(i) A student enrolled in a school district and attending special education and related services for preschool-aged exceptional children provided for by the school district; and

(ii) a preschool-aged at-risk student enrolled in a school district and receiving

services under an approved at-risk student assistance plan maintained by the school district.

(C) A student in attendance part-time shall be counted as that proportion of one student— $\frac{1}{2}$  to the nearest  $\frac{1}{10}$ —that the student's attendance bears to full-time attendance.

(D) A student enrolled in and attending an institution of postsecondary education that is authorized under the laws of this state to award academic degrees shall be counted as one student if the student's postsecondary education enrollment and attendance together with the student's attendance in either of the grades 11 or 12 is at least  $\frac{5}{6}$  time, otherwise the student shall be counted as that proportion of one student— $\frac{1}{2}$  to the nearest  $\frac{1}{10}$ —that the total time of the student's postsecondary education attendance and attendance in grades 11 or 12, as applicable, bears to full-time attendance.

(E) A student enrolled in and attending a technical college, a career technical education program of a community college or other approved career technical education program shall be counted as one student, if the student's career technical education attendance together with the student's attendance in any of grades nine through 12 is at least  $\frac{5}{6}$  time, otherwise the student shall be counted as that proportion of one student— $\frac{1}{2}$  to the nearest  $\frac{1}{10}$ —that the total time of the student's career technical education attendance and attendance in any of grades nine through 12 bears to full-time attendance.

(F) A student enrolled in a school district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one student— $\frac{1}{2}$  to the nearest  $\frac{1}{10}$ —that the student's attendance at the non-virtual school bears to full-time attendance.

(G) A student enrolled in a school district and attending special education and related services provided for by the school district and also attending a virtual school shall be counted as that proportion of one student— $\frac{1}{2}$  to the nearest  $\frac{1}{10}$ —that the student's attendance at the non-virtual school bears to full-time attendance.

(H) A student enrolled in a school district and attending school on a part-time basis through remote learning and also attending school in person on a part-time basis shall be counted as that proportion of one student, to the nearest  $\frac{1}{10}$ , that the student's in-person attendance bears to full-time attendance.

(I) (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.

(3) The following shall not be counted as a student:

(A) An individual residing at the Flint Hills job corps center;

(B) except as provided in paragraph (2), an individual confined in and receiving educational services provided for by a school district at a juvenile detention facility; and

(C) an individual enrolled in a school district but housed, maintained and receiving educational services at a state institution or a psychiatric residential treatment facility.

(4) A student enrolled in virtual school pursuant to K.S.A. 72-3711 et seq., and amendments thereto, shall be counted in accordance with the provisions of K.S.A. 72-3715, and amendments thereto.

(5) A student enrolled in a school district who attends school through remote learning shall be counted in accordance with the provisions of this section and section 6, and amendments thereto.

~~(ii)(kk)~~ "Total foundation aid" means an amount equal to the product obtained by multiplying the BASE aid by the adjusted enrollment of a school district.

~~(ii)(ll)~~ "Transportation weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5148, and amendments thereto, on the basis of costs attributable to the provision or furnishing of transportation.

~~(kk)(mm)~~ "Virtual school" means the same as such term is defined in K.S.A. 72-3712, and amendments thereto.

Sec. 19. On and after July 1, 2021, K.S.A. 72-5151 is hereby amended to read as follows: 72-5151. (a) The at-risk student weighting of each school district shall be determined by the state board as follows:

(1) Determine the number of at-risk students included in the enrollment of the school district; and

(2) multiply the number determined under subsection (a)(1) by 0.484. The resulting sum is the at-risk student weighting of the school district.

(b) Except as provided in subsection (b)(4), the high-density at-risk student weighting of each school district shall be determined by the state board as follows:

(1) (A) If the enrollment of the school district is at least 35% at-risk students, but less than 50% at-risk students:

(i) Subtract 35% from the percentage of at-risk students included in the enrollment of the school district;

(ii) multiply the difference determined under subsection (b)(1)(A)(i) by 0.7; and

(iii) multiply the product determined under subsection (b)(1)(A)(ii) by the number of at-risk students included in the enrollment of the school district; or

(B) if the enrollment of the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of the school district by 0.105; or

(2) (A) if the enrollment of a school in the school district is at least 35% at-risk students, but less than 50% at-risk students:

(i) Subtract 35% from the percentage of at-risk students included in the enrollment of such school;

(ii) multiply the difference determined under subsection (b)(2)(A)(i) by 0.7; and

(iii) multiply the product determined under subsection (b)(2)(A)(ii) by the number of at-risk students included in the enrollment of such school; or

(B) if the enrollment of a school in the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of such school by 0.105; and

(C) add the products determined under subsections (b)(2)(A)(iii) and (b)(2)(B) for each such school in the school district, respectively.

(3) The high-density at-risk student weighting of the school district shall be the

greater of the product determined under subsection (b)(1) or the sum determined under subsection (b)(2)(C).

(4) ~~Commencing in school year 2018-2019~~, School districts that qualify to receive the high-density at-risk student weighting pursuant to this section shall spend any money attributable to the school district's high-density at-risk student weighting on the at-risk best practices developed by the state board pursuant to K.S.A. 72-5153(d), and amendments thereto. If a school district that qualifies for the high-density at-risk student weighting does not spend such money on such best practices, the state board shall notify the school district that it shall ~~either spend such money on such best practices or shall show improvement within five years of notification~~. Improvement shall include, but not be limited to, the following: (A) The percentage of students at grade level on state math and English language arts assessments; (B) the percentage of students that are college and career ready on state math and English language arts assessments; (C) the average composite ACT score; or (D) the four-year graduation rate ~~repay such money to the school district's at-risk education fund. On or before January 15 of each year, the state board shall notify the house and senate standing committees on education, or any successor committees, which school districts had to repay such money and the amount of money such school district repaid for the preceding school year~~. If a school district does not spend such money on such best practices ~~and does not show improvement within five for three consecutive years~~, the school district shall not qualify to receive the high-density at-risk student weighting in the succeeding school year.

(5) The provisions of this subsection shall expire on July 1, ~~2020~~ 2024.

(c) The purpose of the at-risk student weighting and the high-density at-risk student weighting is to provide students identified as eligible to receive at-risk programs and services with evidence-based educational services in addition to regular instructional services.

(d) Upon a school district's receipt of state foundation aid, that portion of such state foundation aid that is directly attributable to such school district's at-risk student weighting and high-density at-risk student weighting, if any, shall be transferred to the district's at-risk education fund established under K.S.A. 72-5153, and amendments thereto.

Sec. 20. On and after July 1, 2021, K.S.A. 2020 Supp. 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 that~~ 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 and provisional 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) support for instructional classroom personnel designed to provide training for evidence-based best practices for at-risk educational programs; or

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

(d) (1) The state board shall identify and approve evidence-based best practices for at-risk educational 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.

(3) The state board shall provide a list of approved at-risk educational programs to each school district. The department shall publish the list on the department's website with a link to such list prominently displayed on the website homepage.

(4) (A) No expenditure shall be made from a school district's at-risk education fund for any program or service that is not included on the list of approved at-risk educational programs, unless such program is a provisional at-risk educational program.

(B) Expenditures shall only be made for a provisional at-risk educational program for a period not to exceed three years after implementation of such provisional at-risk educational program by a school district. The state board shall review any such provisional at-risk educational program, and if such program satisfies the state board's requirements as an evidence-based best practice, then such program shall be included in the list of approved at-risk educational programs.

(5) The purpose of at-risk and provisional at-risk educational programs and services is to provide students identified as eligible to receive at-risk programs and services with additional educational opportunities, interventions and evidence-based instructional services above and beyond regular educational services.

(6) Delivery of at-risk and provisional at-risk programs or services by a school district may include, but shall not be limited to, the following:

(A) Extended school year;

(B) before-school programs and services;

(C) after-school programs and services;

(D) summer school;

(E) extra support within a class;

(F) tutorial assistance; and

(G) class within a class.

(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 at-risk and provisional at-risk educational~~ programs provided by the school district for students identified as eligible to receive at-risk program services. Such report shall include:

(1) ~~The number of students identified as eligible to receive at-risk or provisional at-risk educational~~ program services who were served or provided assistance;

(2) ~~the type of service at-risk and provisional at-risk educational programs and services provided, including the number of students provided assistance under the district's approved at-risk program;~~

(3) ~~the data and research upon which the school district relied utilized in determining that a need for service or assistance existed, the results of providing such service or assistance what programs and services were needed to implement the approved at-risk program;~~

(4) ~~the district shall track and report the longitudinal performance of students that are continuously receiving at-risk programs and services in the district's approved at-risk program and, if applicable, shall include data regarding state assessment scores, Kansas English language proficiency assessment results, four-year graduation rates, progress monitoring, norm-referenced test results, criterion-based test results, individualized education program goals, attendance and average ACT composite scores;~~ and

(5) ~~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:~~

(1) ~~"At-risk educational program" means an at-risk program or service that is identified and approved by the state board as an evidence-based best practice pursuant to subsection (d);~~

(2) ~~"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; and~~

(3) ~~"provisional at-risk educational program" means an evidence-based at-risk educational program or service identified or developed by a school district as producing or likely to produce measurable success that has been submitted to the state board for review pursuant to subsection (d).~~

Sec. 21. On and after July 1, 2021, K.S.A. 2020 Supp. 72-5173 is hereby amended to read as follows: 72-5173. The legislative post audit committee shall direct the legislative division of post audit to conduct the following performance audits in the fiscal year specified:

(a) A performance audit of transportation services funding. The audit should include a comparison of the amount of transportation services funding school districts receive to the cost of providing transportation services. This performance audit shall be conducted during fiscal year 2018, and the final audit report shall be submitted to the legislature on or before January 15, 2018.

(b) A performance audit of at-risk education funding. The audit should evaluate the method of counting students for at-risk education funding, the level of the at-risk student weighting and high-density at-risk student weighting under the act and how

school districts are expending moneys provided for at-risk education. This performance audit shall be conducted during fiscal year 2020, and the final audit report shall be submitted to the legislature on or before January 15, 2020.

(c) A performance audit of bilingual education funding. The audit should evaluate the method of counting students for bilingual education funding, the level of the bilingual weighting under the act and how school districts are expending moneys provided for bilingual education. This performance audit shall be conducted during fiscal year 2021, and the final audit report shall be submitted to the legislature on or before January 15, 2021.

(d) A study of statewide virtual school programs administered in other states. The study shall include, but not be limited to, the following:

(1) The aggregate cost incurred by each state administering a virtual school program, and the cost incurred by individual school districts or schools within each state;

(2) the resources necessary for the implementation of each virtual school program, including, but not limited to, personnel, equipment, software and facility usage;

(3) the scope of each virtual school program; and

(4) the effectiveness of each virtual school program with respect to student performance and outcomes.

The study shall be conducted during fiscal year 2023, and the final study report shall be submitted to the legislature on or before January 15, 2023.

(e) A performance audit of the unencumbered cash balances held in all funds by each school district. The audit should evaluate the annual accumulations of unencumbered cash balances for the preceding 10 years, the annual expenditures of such moneys and how school districts are expending such moneys. This performance audit shall be conducted no later than fiscal year 2021, and the final audit report shall be submitted to the legislature on or before January 15, 2021.

(f) (1) A performance audit to provide a reasonable estimate of the cost of providing educational opportunities for every public school student in Kansas to achieve the performance outcome standards adopted by the state board of education. This performance audit shall be conducted during fiscal year 2024, and the final report submitted to the legislature on or before January 15, 2024.

(2) The performance audit required under this subsection shall:

(A) Include reasonable estimates of the costs of providing specialized education services as required by law, including, but not limited to, bilingual education and at-risk programs; and

(B) account for other factors which may contribute to variations in costs incurred by school districts, including, but not limited to, total district enrollment and geographic location within the state.

(3) In conducting the performance audit required under this subsection:

(A) Any examination of historical data and expenditures shall correct any recognized inadequacy of such data or expenditure through a statistically valid method of extrapolation; and

(B) subject to the limitations of the division of legislative post audit budget and appropriations therefor, the legislative post auditor may enter into contracts with consultants as the post auditor deems necessary.

(g) A performance audit to provide a reasonable estimate of the costs of providing

special education and related services, including, but not limited to, other factors which may contribute to variations in costs incurred by school districts. This performance audit shall be conducted during fiscal year 2019, and the final audit report shall be submitted to the legislature on or before January 15, 2019.

(h) A performance audit of at-risk education expenditures. The audit should evaluate how school districts are expending moneys provided for at-risk education, whether those expenditures comply with statutory provisions and whether the state board of education and the department of education are acting in accordance with statutory provisions related to at-risk expenditures and programs. This audit should also evaluate the trends in the academic outcomes of students receiving at-risk education program services. This performance audit shall be conducted during calendar year 2023, and the final audit report shall be submitted to the legislature on or before January 15, 2024.

Sec. 22. On and after July 1, 2021, K.S.A. 2020 Supp. 72-5178 is hereby amended to read as follows: 72-5178. (a) On or before January 15 of each year, the state department of education shall prepare and submit a performance accountability report and a longitudinal achievement report for all students enrolled in any public school or accredited nonpublic school in the state, each school district ~~and~~, each school operated by a school district and each accredited nonpublic school to the governor and to the legislature.

(b) Each performance accountability report shall be prepared in a single-page format containing the information that is required to be reported under the federal elementary and secondary education act, as amended by the federal every student succeeds act, public law 114-95, or any successor federal acts, and the college and career readiness metrics developed and implemented by the state board. The report shall use the categories for achievement identified under the federal every student succeeds act, public law 114-95, or any successor achievement categories. All categories and metrics included in the report shall be clearly defined.

(c) Each longitudinal achievement report shall provide the achievement rates on the state assessments for English language arts, math and science for all students and each student subgroup and the change in achievement rate year-over-year starting with the school year in which the state board first implemented new achievement standards on such state assessments.

(d) All reports prepared pursuant to this section shall be published in accordance with K.S.A. 2020 Supp. 72-1181, and amendments thereto.

Sec. 23. On and after July 1, 2021, K.S.A. 2020 Supp. 72-5179 is hereby amended to read as follows: 72-5179. (a) The state board of education shall provide the ACT college entrance exam and the three ACT workkeys assessments that are required to earn a national career readiness certificate to each student enrolled in grades 11 and 12, and the pre-ACT college entrance exam to each student enrolled in grade nine. No student shall be required to pay any fees or costs to take any such exam or assessments. The state board shall not be required to provide more than one exam and three assessments for each student. The state board of education may enter into any contracts that are necessary to promote statewide cost savings to administer such exams and assessments.

(b) The Kansas department of education and each school district shall annually publish on their websites the times, dates and locations of the pre-ACT college entrance

exam, the ACT college entrance exam and the ACT workkeys assessments that are offered in Kansas and information for students on how to register for such exams or assessments.

(c) Participation in the pre-ACT college entrance exam, the ACT college entrance exam or the ACT workkeys assessment shall be optional. Nothing in this section shall be construed to require any student to participate in such exams or assessments.

(d) On or before the first day of each regular legislative session, the state board of education shall prepare and submit a report to the senate standing committee on education and the house standing committee or any successor committees on education that includes the aggregate exam and assessment data for all students who were provided the exams and assessments pursuant to this section.

(e) As used in this section, "student" means any person who is regularly enrolled in any public school or accredited nonpublic school located in Kansas.

Sec. 24. On and after July 1, 2021, K.S.A. 75-53,112 is hereby amended to read as follows: 75-53,112. As used in the Kansas foster child educational assistance act:

(a) "Kansas educational institution" means and includes any community college, the municipal university, state educational institution, the institute of technology at Washburn university or technical college.

(b) "Eligible foster child" means anyone who:

(1) (A) (i) is in the custody of the secretary and in a foster care placement on the date such child attained 18 years of age; ~~(B) (ii) has been released from the custody of the secretary prior to attaining 18 years of age, after having graduated from a high school or fulfilled the requirements for a general educational development (GED) certificate while in foster care placement and the custody of the secretary;~~ ~~(C) (iii) is adopted from a foster care placement on or after such child's 16<sup>th</sup> birthday;~~ ~~(D) (iv) left a foster care placement subject to a guardianship under chapter 38 or 59 of the Kansas Statutes Annotated, and amendments thereto, on or after such child's 16<sup>th</sup> birthday;~~ or

(B) is a student as defined under the Kansas challenge to secondary school students act, K.S.A. 72-3220 et seq., and amendments thereto, and was in the custody of the secretary and in foster care placement at any time such child was enrolled in grades nine through 12 at a school of a school district; and

(2) enrolls in a Kansas educational institution ~~on or after July 1, 2006.~~

(c) "Kansas foster child educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas foster child educational assistance act, which shall provide for: (1) Undergraduate enrollment of eligible foster children pursuant to subsection (b)(1)(A) through the semester the eligible foster child attains 23 years of age; or (2) undergraduate enrollment of eligible foster children pursuant to subsection (b)(1)(B) through the Kansas challenge to secondary schools act, K.S.A. 72-3220 et seq., and amendments thereto.

(d) "Educational program" means a program ~~which that~~ is offered and maintained by a Kansas educational institution and leads to the award of a certificate, diploma or degree upon satisfactory completion of course work requirements.

(e) "Secretary" means the secretary for children and families.

Sec. 25. On and after July 1, 2021, K.S.A. 72-1163, 72-3220, 72-3221, 72-3222, 72-3223, 72-3224, 72-5151 and 75-53,112 and K.S.A. 2020 Supp. 72-3117, 72-4352, 72-4354, 72-5131, 72-5132, 72-5153, 72-5173, 72-5178 and 72-5179 are hereby

repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking lines 2 through 5; in line 6, by striking all before the period and inserting "concerning education; relating to the instruction and financing thereof; making and concerning appropriations for the department of education for fiscal years ending June 30, 2021, June 30, 2022, and June 30, 2023; requiring a Kansas foster care children annual academic report card; authorizing limited remote learning; providing the criteria for identification of students eligible to receive at-risk programs and services; requiring boards of education to allocate sufficient school district moneys to improve student academic performance; authorizing school districts to pay tuition and fees for concurrent and dual enrollment programs; expanding student eligibility under the tax credit for low income students scholarship program; extending the high-density at-risk weighting; providing ACT college entrance exams and workkeys assessments to certain nonpublic school students; amending K.S.A. 72-1163, 72-3220, 72-3221, 72-3222, 72-3223, 72-3224, 72-5151 and 75-53,112 and K.S.A. 2020 Supp. 72-3117, 72-4352, 72-4354, 72-5131, 72-5132, 72-5153, 72-5173, 72-5178 and 72-5179 and repealing the existing sections";

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

MOLLY BAUMGARDNER

RENEE ERICKSON

DINAH SYKES

*Conferees on part of Senate*

KRISTEY WILLIAMS

KYLE HOFFMAN

VALDENIA WINN

*Conferees on part of House*

Senator Baumgardner moved the Senate adopt the Conference Committee Report on **HB 2134**.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Ryckman, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Peck, Steffen, Straub, Tyson.

Present and Passing: Francisco.

The Conference Committee Report was adopted.

On motion of Senator Alley, the Senate recessed until 7:30 p.m.

## EVENING SESSION

**MESSAGE FROM THE HOUSE**

The House concurs in Senate amendments to **HB 2224**, and requests return of the bill.

The House adopts the Conference Committee report on **HB 2137**.

The House adopts the Conference Committee report on **HB 2134**.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 159** submits the following report:

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

On page 1, by striking all in lines 7 through 10; following line 10 by inserting:

"Section 1. (a) For the fiscal years ending June 30, 2021, June 30, 2022, and June 30, 2023, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements, procedures and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall be known and may be cited as the omnibus appropriation act of 2021 and shall constitute the omnibus reconciliation spending limit bill for the 2021 regular session of the legislature for purposes of K.S.A. 75-6702(a), and amendments thereto.

(d) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155, and amendments thereto.";

On page 5, following line 37, by inserting the following:

"Sec. 14.

**STATE BANK COMMISSIONER**

(a) On July 1, 2021, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 5(a) of 2021 House Bill No. 2007 on the bank commissioner fee fund (094-00-2811) of the state bank commissioner is hereby increased from \$11,304,273 to \$12,090,773.

(b) On July 1, 2021, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 5(a) of 2021 House Bill No. 2007 on the bank commissioner fee fund (094-00-2811) of the state bank commissioner is hereby increased from \$11,649,189 to \$12,649,189.

Sec. 15.

**BEHAVIORAL SCIENCES REGULATORY BOARD**

(a) On July 1, 2021, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 8(a) of 2021 House Bill No. 2007 on the behavioral sciences regulatory board fee fund (102-00-2730-0100) of the behavioral sciences regulatory board is hereby increased from \$959,145 to \$981,995.

Sec. 16.

STATE BOARD OF HEALING ARTS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 9(a) of chapter 5 of the 2020 Session Laws of Kansas on the healing arts fee fund (105-00-2705-0100) of the state board of healing arts is hereby increased from \$6,419,900 to \$6,434,020.

(b) On July 1, 2021, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 9(a) of 2021 House Bill No. 2007 on the healing arts fee fund (105-00-2705-0100) of the state board of healing arts is hereby increased from \$6,478,748 to \$6,527,233.

Sec. 17.

STATE BOARD OF MORTUARY ARTS

(a) On July 1, 2021, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 15(a) of 2021 House Bill No. 2007 on the mortuary arts fee fund (204-00-2709-0100) of the state board of mortuary arts is hereby increased from \$304,038 to \$369,038.

Sec. 18.

STATE BOARD OF PHARMACY

(a) On July 1, 2021, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 21(a) of 2021 House Bill No. 2007 on the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy is hereby increased from \$2,565,656 to \$2,608,906.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Prescription monitoring program fund	
For the fiscal year ending June 30, 2022.....	No limit
For the fiscal year ending June 30, 2023.....	No limit

Sec. 19.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislature employment security fund.....	No limit
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Sec. 20.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operations (including official hospitality) (428-00-1000-0103).....	\$25,000
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(b) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2022 as authorized by section 32 of 2021 House Bill No. 2007, this or other appropriation act of the 2021 regular session of the legislature, subject to

the provisions of this subsection, expenditures shall be made by the above agency from such moneys for fiscal year 2022 to create an interim study committee on child support enforcement and collection: *Provided, however;* That no expenditures shall be made from such moneys until the legislative coordinating council approves such interim study committee.

(c) During the fiscal year ending June 30, 2022, in addition to the other purpose for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2022 as authorized by section 32 of 2021 House Bill No. 2007, this or other appropriation act of the 2021 regular session of the legislature, subject to the provisions of this subsection, expenditures shall be made by the above agency from such moneys for fiscal year 2022 to create an interim study committee on the federal 340B program: *Provided,* That such committee shall review: The requirements of the federal law; the role of qualifying 340B providers, pharmacies, pharmacy benefit managers and pharmaceutical drug manufacturers in such program; the fiscal impact of such program on all participants; any recent federal or state law changes affecting such program; any recent marketplace developments of interest; and the impact of such program on healthcare payers, including insureds, self-insureds and government programs: *Provided further;* That such committee shall have 13 members appointed by the legislative coordinating council and the speaker of the house of representatives shall appoint the chairperson.

Sec. 21.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (082-00-1000-0103).....	\$272,368
Protection from abuse (082-00-1000-0900).....	\$51,900

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Charitable organizations fee fund.....	No limit
Kansas fights addiction fund.....	No limit
Municipalities fight addiction fund.....	No limit

(c) During the fiscal year ending June 30, 2022, notwithstanding the provisions of any statute, in addition to the other purposes for which expenditures may be made from the scrap metal theft reduction fee fund for fiscal year 2022 by the attorney general as authorized by section 38 of 2021 House Bill No. 2007, this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the attorney general from the scrap metal theft reduction fee fund for fiscal year 2022 to reimburse scrap metal dealers, as defined in K.S.A. 50-6,109, and amendments thereto, in the amount of \$1,000 for each year any such scrap metal dealer paid registration fees under the scrap metal theft reduction act and such act was not operative and to reimburse such scrap metal dealers for the costs of fingerprinting any such scrap metal dealer prior to July 1, 2020.

Sec. 22.

STATE TREASURER

(a) On July 1, 2021, the expenditure limitation established for the fiscal year ending June 30, 2022, by 41(a) of 2021 House Bill No. 2007 on the state treasurer operating fund (670-00-2374-2300) of the state treasurer is hereby increased from \$1,696,618 to \$1,795,618.

Sec. 23.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Assigned counsel  
expenditures (328-00-1000-0700).....\$3,569,164

(b) If 2021 House Bill No. 2363 or any other legislation that increases the compensation rate of assigned counsel by amending K.S.A. 22-4507, and amendments thereto, is not passed by the legislature during the 2021 regular session and enacted into law, then in addition to other purposes for which expenditures may be made by the above agency from the assigned counsel expenditures account (328-00-1000-0700) for fiscal year 2022 as authorized by this or other appropriation act of the 2021 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, the above agency shall make expenditures from such account to set the maximum rate of compensation of assigned counsel in fiscal year 2022 at \$100 per hour.

Sec. 24.

JUDICIAL BRANCH

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

Judiciary operations (677-00-1000).....\$7,400,000

*Provided*, That notwithstanding sections 2 through 4 of chapter 1 of the 2020 Special Session Laws of Kansas, for the fiscal year ending June 30, 2021, on or before June 15, 2021, the director of the budget shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for the purposes of this subsection, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided further*, That, of such identified moneys, following transfers required in 2021 Senate Substitute for Substitute House Bill No. 2196, 2021 Senate Substitute for House Bill No. 2208 or any other legislation passed by the legislature during the 2021 regular session and enacted into law, the director of the budget shall determine the remaining moneys available in special revenue funds: *And provided further*, That if the above agency in consultation with the director of the budget determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2021 to be used for the purposes of this subsection, the director of the budget shall certify the amount of such federal coronavirus relief moneys to the director of accounts and reports and on June 30, 2021, of the \$7,400,000 appropriated for the above agency for the fiscal year ending June 30, 2021, by this section from the state general fund in the judiciary operations account, an amount equal to such certified amount is hereby lapsed: *And provided further*, That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative

research.

Sec. 25.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Judiciary operations (677-00-1000).....\$16,990,384

*Provided, however,* That during the fiscal year ending June 30, 2022, any salary increase, including associated employer contributions, for nonjudicial personnel in the judicial personnel classification system shall not exceed 12%.

(b) During the fiscal year ending June 30, 2022, the justices of the supreme court, judges of the court of appeals, district court judges and district magistrate judges shall receive a 5% salary increase, including associated employer contributions.

Sec. 26.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Judiciary operations (677-00-1000).....\$1,944,998

(b) During the fiscal year ending June 30, 2023, the justices of the supreme court, judges of the court of appeals, district court judges and district magistrate judges shall receive a 5% salary increase, including associated employer contributions.

Sec. 27.

DEPARTMENT OF ADMINISTRATION

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

Securities settlement (173-00-1000).....\$6,000,000

*Provided,* That if the state does not enter into a legal agreement to resolve *Blumer v. Kansas, 2019-CV-00720* (3<sup>rd</sup> Judicial District), related to the securities act fee fund, by June 30, 2021, then on such date, the amount of \$6,000,000 is hereby lapsed.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 70(b) of chapter 5 of the 2020 Session Laws of Kansas, and transferred pursuant to executive reorganization order No. 45, published as chapter 21 of the 2020 Session Laws of Kansas, on the cafeteria benefits fund (173-00-7720-7723) for salaries and wages and other operating expenditures of the department of administration is hereby declared null and void and shall have no force and effect.

Sec. 28.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

KPERS bonds debt service (173-00-1000-0440).....\$28,750,000

(b) On July 1, 2021, the amount of \$2,348,000 authorized by section 146(b) of 2021 House Bill No. 2007 to be transferred by the director of accounts and reports from the state highway fund of the department of transportation to the statehouse debt service – state highway fund of the department of administration on September 1, 2021, is hereby decreased to \$1,377,290.

Sec. 29.

DEPARTMENT OF REVENUE

(a) During the fiscal year ending June 30, 2021, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2021 as authorized by section 58 of chapter 5 of the 2020 Session Laws of Kansas, this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys to open and operate on or before June 1, 2021, all driver's license offices previously closed due to the COVID-19 public health emergency with the services such offices were providing immediately prior to such closure.

Sec. 30.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (565-00-1000-0303).....\$356,571

(b) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 as authorized by section 65 of 2021 House Bill No. 2007, this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys to continue operations in all driver's license offices previously closed due to the COVID-19 public health emergency with the services such offices were providing immediately prior to such closure.

Sec. 31.

KANSAS LOTTERY

(a) On the effective date of this act, the aggregate of the amounts authorized by section 66(a) of 2021 House Bill No. 2007 to be transferred from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) during the fiscal year ending June 30, 2021, is hereby decreased from \$69,390,000 to \$68,690,000.

Sec. 32.

DEPARTMENT OF COMMERCE

(a) During the fiscal year ending June 30, 2021, notwithstanding the provisions of the Kansas public broadcasting council act, K.S.A. 75-4912 through 75-4926, and amendments thereto, or any other statute, the above agency shall not expend any moneys appropriated for fiscal year 2021 from the state economic development initiatives fund or from any special revenue fund or funds of such agency by chapter 5 of the 2020 Session Laws of Kansas, 2021 House Bill No. 2007, this or other appropriation act of the 2021 regular session of the legislature to any public broadcasting station that moved to a different city or has a plan to move to a different city, approved by the board of directors or management of such public broadcasting station, during such fiscal year.

Sec. 33.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2022, the following:

Reemployment implementation.....\$94,300

(b) There is appropriated for the above agency from the following special revenue

fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Technology-enabled fiduciary financial institutions  
development and expansion fund.....No limit

(c) During the fiscal year ending June 30, 2022, notwithstanding the provisions of the Kansas public broadcasting council act, K.S.A. 75-4912 through 75-4926, and amendments thereto, or any other statute, the above agency shall not expend any moneys appropriated for fiscal year 2022 from the state economic development initiatives fund or from any special revenue fund or funds of such agency by 2021 House Bill No. 2007, this or other appropriation act of the 2021 or 2022 regular session of the legislature to any public broadcasting station that moved to a different city or has a plan to move to a different city, approved by the board of directors or management of such public broadcasting station, during such fiscal year.

(d) On July 1, 2021, the amount of \$15,080,736 authorized by section 70(g) of 2021 House Bill No. 2007 to be transferred by the director of accounts and reports from the state economic development initiatives fund (300-00-1900-1100) to the state general fund on July 1, 2021, is hereby decreased to \$15,032,110.

Sec. 34.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Technology-enabled fiduciary financial institutions  
development and expansion fund.....No limit

(b) During the fiscal year ending June 30, 2023, notwithstanding the provisions of the Kansas public broadcasting council act, K.S.A. 75-4912 through 75-4926, and amendments thereto, or any other statute, the above agency shall not expend any moneys appropriated for fiscal year 2023 from the state economic development initiatives fund or from any special revenue fund or funds of such agency by 2021 House Bill No. 2007, this or other appropriation act of the 2021, 2022 or 2023 regular session of the legislature to any public broadcasting station that moved to a different city or has a plan to move to a different city, approved by the board of directors or management of such public broadcasting station, during such fiscal year.

Sec. 35.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Unemployment insurance modernization.....\$9,600,000

*Provided*, That notwithstanding section 30(c) of 2021 House Bill No. 2007, for the fiscal year ending June 30, 2022, on or before July 15, 2021, the director of the budget shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for the purposes of the unemployment insurance modernization project, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards,

and are unencumbered: *Provided further*, That, of such identified moneys, following transfers required in 2021 Senate Substitute for Substitute House Bill No. 2196, 2021 Senate Substitute for House Bill No. 2208 or any other legislation passed by the legislature during the 2021 regular session and enacted into law, the director of the budget shall determine the remaining moneys available in special revenue funds: *And provided further*, That if the above agency in consultation with the director of the budget determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2022 to be used for the purposes of this proviso, the director of the budget shall certify the amount of such federal coronavirus relief moneys to the director of accounts and reports and on the date of such certification, of the \$9,600,000 appropriated for the above agency for the fiscal year ending June 30, 2022, by this section from the state general fund in the unemployment insurance modernization account, an amount equal to such certified amount is hereby lapsed: *And provided further*, That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research: *Provided however*, That the above agency shall not expend any moneys from such account until the state finance council has reviewed federal moneys to the state for aid for coronavirus relief to determine if such moneys are available during fiscal year 2022 to be used for the purposes of this proviso: *And provided further*, That the above agency may expend up to \$250,000 from such account to conduct the audit established in section 1(g) of 2021 Senate Substitute for Substitute for House Bill No. 2196.

(b) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency for fiscal year 2022, as authorized by section 75 of 2021 House Bill No. 2007, this or any other appropriation act of the 2021 or 2022 regular session of the legislature, expenditures shall be made by such agency to prepare a report for national consumer reporting agencies, as defined in K.S.A. 50-702, and amendments thereto, on behalf of any claimant who filed a claim on or after March 1, 2020, and, upon request, delivered to such claimant, when such claim incurred a delay of 30 days or more in the payment of a benefit to a claimant who properly filed the claim and was entitled to receive the benefit: *Provided*, That for any such delayed payment of a benefit that was due to a claimant prior to the effective date of this act, one report for each such claimant shall be sent to such claimant within 45 days of the effective date of this act. The report shall indicate the number of benefit payments that were delayed and the number of days each benefit payment was delayed: *Provided further*, That for benefits due to a claimant after the effective date of this act, a separate report for each payment of a benefit that is delayed shall be sent to such claimant not later than 5 business days after the 30<sup>th</sup> day that the payment has been delayed and after each successive 30-day period that the payment is further delayed. The report shall indicate the total number of days that the payment of the benefit has been delayed: *And provided further*, That such report shall be provided to the claimant in electronic form if the claimant has provided an email address to the department of labor, or if the claimant has not provided an email address, such copy shall be mailed to the address provided by the claimant to the department.

Sec. 36.

KANSAS COMMISSION ON  
VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures – veteran services (694-00-1000-0203).....\$259,481  
Sec. 37.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF PUBLIC HEALTH

(a) Notwithstanding any provision of law, during the fiscal year ending June 30, 2021, the above agency shall not expend any moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2021 as authorized by section 68 of chapter 5 of the 2020 Session Laws of Kansas, section 77 of 2021 House Bill No. 2007, this or other appropriation act of the 2021 regular session of the legislature to conduct or authorize contact tracing except as provided in subsection (b).

(b) During the fiscal year ending June 30, 2021, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2021 as authorized by section 68 of chapter 5 of the 2020 Session Laws of Kansas, section 77 of 2021 House Bill No. 2007, this or other appropriation act of the 2021 regular session of the legislature, expenditures may be made from such moneys in fiscal year 2021 to employ, contract for or engage contact tracers and to adopt rules and regulations to implement, administer and enforce the provisions of this subsection: *Provided*, That persons acting as contact tracers under the authority of this subsection shall meet the qualifications and training prescribed by rules and regulations prescribed by the secretary of health and environment pursuant to this subsection: *Provided further*, That before collecting any contact data, each contact tracer shall execute, under oath, on a form prescribed by rules and regulations of the secretary of health and environment: *And provided further*, That a contact tracer shall not disclose the identity of an infected person to a contact: *And provided further*, That only contact data specifically authorized by the secretary pursuant to rules and regulations prescribed by the secretary of health and environment pursuant to this subsection may be collected as part of contact tracing: *And provided further*, That the secretary of health and environment shall not produce contact data pursuant to a subpoena unless such subpoena is issued by a court and is accompanied by a valid protective order preventing further disclosure of such data: *And provided further*, That contact data shall be: (1) Used only for the purpose of contact tracing and not for any other purpose; (2) confidential and shall not be disclosed, produced in response to any Kansas open records act request or made public, unless the disclosure is necessary to conduct contact tracing; and (3) safely and securely destroyed when no longer necessary for contact tracing, pursuant to rules and regulations adopted pursuant to this subsection: *And provided further*, That participation in contact tracing shall be voluntary, and no contact or infected person shall be compelled to participate in, nor be prohibited from participating in, contact tracing: *And provided further*, That contact tracing shall not be conducted through the use of any service or means that uses cellphone location data to identify or track, directly or indirectly, the movement of persons: *And provided further*, That no third party shall be required to collect or maintain data regarding infected persons or contacts for the purpose of contact tracing.

(c) For the purposes of this section:

(1) "Contact" means a person known to have been in association with an infected person as to have had an opportunity of acquiring an infection;

(2) "contact data" means information collected through contact tracing and includes medical, epidemiological, individual movement or mobility, names or other data;

(3) "contact tracer" means a person or entity employed, contracted or engaged by the department of health and environment to conduct contact tracing;

(4) "contact tracing" means identifying persons who may have been exposed to an infected person for the purpose of containing the spread of COVID-19 by notifying the contact that the contact may have been exposed, should be tested and should self-quarantine;

(5) "COVID-19" means the novel coronavirus identified as SARS-CoV-2; and

(6) "infected person" means a person known or reasonably suspected to be infected with COVID-19.

Sec. 38.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF PUBLIC HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (including official hospitality) – health (264-00-1000-0270).....\$463,680

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Rural hospital innovation grant fund.....No limit

(c) Notwithstanding any provision of law, during the fiscal year ending June 30, 2022, the above agency shall not expend any moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2022 as authorized by section 78 of 2021 House Bill No. 2007, this or other appropriation act of the 2021 regular session of the legislature to conduct or authorize contact tracing except as provided in subsection (d).

(d) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2022 as authorized by section 78 of 2021 House Bill No. 2007, this or other appropriation act of the 2021 regular session of the legislature, expenditures may be made from such moneys in fiscal year 2022 to employ, contract for or engage contact tracers and to adopt rules and regulations to implement, administer and enforce the provisions of this subsection: *Provided*, That persons acting as contact tracers under the authority of this subsection shall meet the qualifications and training prescribed by rules and regulations prescribed by the secretary of health and environment pursuant to this subsection: *Provided further*, That before collecting any contact data, each contact tracer shall execute, under oath, on a form prescribed by rules and regulations of the secretary of health and environment: *And provided further*, That a contact tracer shall not disclose the identity of an infected person to a contact: *And provided further*, That only contact data specifically authorized by the secretary

pursuant to rules and regulations prescribed by the secretary of health and environment pursuant to this subsection may be collected as part of contact tracing: *And provided further*; That the secretary of health and environment shall not produce contact data pursuant to a subpoena unless such subpoena is issued by a court and is accompanied by a valid protective order preventing further disclosure of such data: *And provided further*; That contact data shall be: (1) Used only for the purpose of contact tracing and not for any other purpose; (2) confidential and shall not be disclosed, produced in response to any Kansas open records act request or made public, unless the disclosure is necessary to conduct contact tracing; and (3) safely and securely destroyed when no longer necessary for contact tracing, pursuant to rules and regulations adopted pursuant to this subsection: *And provided further*; That participation in contact tracing shall be voluntary, and no contact or infected person shall be compelled to participate in, nor be prohibited from participating in, contact tracing: *And provided further*; That contact tracing shall not be conducted through the use of any service or means that uses cellphone location data to identify or track, directly or indirectly, the movement of persons: *And provided further*; That no third party shall be required to collect or maintain data regarding infected persons or contacts for the purpose of contact tracing.

(e) For the purposes of this section:

(1) "Contact" means a person known to have been in association with an infected person as to have had an opportunity of acquiring an infection;

(2) "contact data" means information collected through contact tracing and includes medical, epidemiological, individual movement or mobility, names or other data;

(3) "contact tracer" means a person or entity employed, contracted or engaged by the department of health and environment to conduct contact tracing;

(4) "contact tracing" means identifying persons who may have been exposed to an infected person for the purpose of containing the spread of COVID-19 by notifying the contact that the contact may have been exposed, should be tested and should self-quarantine;

(5) "COVID-19" means the novel coronavirus identified as SARS-CoV-2; and

(6) "infected person" means a person known or reasonably suspected to be infected with COVID-19.

Sec. 39.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF HEALTH CARE FINANCE

(a) On the effective date of this act, of the \$729,950,000 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 70(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the other medical assistance account (264-00-1000-3026), the sum of \$139,000,000 is hereby lapsed.

Sec. 40.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Children's health insurance program (1000-0060).....\$10,054,086

(b) On July 1, 2021, of the \$759,750,000 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 80(a) of 2021 House Bill No. 2007 from the state general fund in the other medical assistance account (264-00-1000-3026), the

sum of \$56,000,000 is hereby lapsed.

(c) On July 1, 2021, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 80(b) of 2021 House Bill No. 2007 on the medical programs fee fund (264-00-2395-0110) of the department of health and environment – division of health care finance is hereby decreased from \$143,519,270 to \$130,519,270.

(d) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 by this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys to set the monthly protected income level for purposes of determining the person's client obligation at an amount equal to 300% of federal supplemental security income for any person in Kansas receiving home and community-based services administered under section 1915(c) of the federal social security act and any person in Kansas receiving services from a program of all-inclusive care for the elderly administered by the Kansas department for aging and disability services: *Provided*, That on and after July 1, 2021, the provisions of section 80(e) of 2021 House Bill No. 2007 shall be null and void and have no force and effect.

Sec. 41.

KANSAS DEPARTMENT FOR  
AGING AND DISABILITY SERVICES

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

Kansas neurological institute – operating  
expenditures (363-00-1000-0303).....\$141,000

*Provided*, That notwithstanding sections 2 through 4 of chapter 1 of the 2020 Special Session Laws of Kansas, for the fiscal year ending June 30, 2021, on or before June 15, 2021, the director of the budget shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for the February cold weather event energy bills, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided further*; That, of such identified moneys, following transfers required in 2021 Senate Substitute for Substitute House Bill No. 2196, 2021 Senate Substitute for House Bill No. 2208 or any other legislation passed by the legislature during the 2021 regular session and enacted into law, the director of the budget shall determine the remaining moneys available in special revenue funds: *And provided further*; That if the above agency in consultation with the director of the budget determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2021 to be used for the purposes of this proviso, the director of the budget shall certify the amount of such federal coronavirus relief moneys to the director of accounts and reports and on June 30, 2021, of the \$141,000 appropriated for the above agency for the fiscal year ending June 30, 2021, by this section from the state general fund in the Kansas neurological institute – operating expenditures account, an amount equal to such certified amount is hereby lapsed: *And provided further*; That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such

certification to the director of legislative research.

Larned state hospital – operating expenditures (410-00-1000-0103).....\$441,000

*Provided*, That notwithstanding sections 2 through 4 of chapter 1 of the 2020 Special Session Laws of Kansas, for the fiscal year ending June 30, 2021, on or before June 15, 2021, the director of the budget shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for the February cold weather event energy bills, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided further*, That, of such identified moneys, following transfers required in 2021 Senate Substitute for Substitute House Bill No. 2196, 2021 Senate Substitute for House Bill No. 2208 or any other legislation passed by the legislature during the 2021 regular session and enacted into law, the director of the budget shall determine the remaining moneys available in special revenue funds: *And provided further*, That if the above agency in consultation with the director of the budget determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2021 to be used for the purposes of this proviso, the director of the budget shall certify the amount of such federal coronavirus relief moneys to the director of accounts and reports and on June 30, 2021, of the \$441,000 appropriated for the above agency for the fiscal year ending June 30, 2021, by this section from the state general fund in the Larned state hospital – operating expenditures account, an amount equal to such certified amount is hereby lapsed: *And provided further*, That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Osawatomie state hospital – operating expenditures (494-00-1000-0100).....\$198,000

*Provided*, That notwithstanding sections 2 through 4 of chapter 1 of the 2020 Special Session Laws of Kansas, for the fiscal year ending June 30, 2021, on or before June 15, 2021, the director of the budget shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for the February cold weather event energy bills, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided further*, That, of such identified moneys, following transfers required in 2021 Senate Substitute for Substitute House Bill No. 2196, 2021 Senate Substitute for House Bill No. 2208 or any other legislation passed by the legislature during the 2021 regular session and enacted into law, the director of the budget shall determine the remaining moneys available in special revenue funds: *And provided further*, That if the above agency in consultation with the director of the budget determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2021 to be used for the purposes of this proviso, the director of the budget shall certify the amount of such federal coronavirus relief moneys to the director of accounts and reports and on June 30, 2021, of the \$198,000 appropriated for the above agency for the fiscal year ending June 30, 2021, by this section from the state general fund in the Osawatomie state hospital – operating expenditures account, an

amount equal to such certified amount is hereby lapsed: *And provided further*, That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Parsons state hospital and training center –  
operating expenditures (507-00-1000-0100).....\$155,000

*Provided*, That notwithstanding sections 2 through 4 of chapter 1 of the 2020 Special Session Laws of Kansas, for the fiscal year ending June 30, 2021, on or before June 15, 2021, the director of the budget shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for the February cold weather event energy bills, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided further*, That, of such identified moneys, following transfers required in 2021 Senate Substitute for Substitute House Bill No. 2196, 2021 Senate Substitute for House Bill No. 2208 or any other legislation passed by the legislature during the 2021 regular session and enacted into law, the director of the budget shall determine the remaining moneys available in special revenue funds: *And provided further*, That if the above agency in consultation with the director of the budget determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2021 to be used for the purposes of this proviso, the director of the budget shall certify the amount of such federal coronavirus relief moneys to the director of accounts and reports and on June 30, 2021, of the \$155,000 appropriated for the above agency for the fiscal year ending June 30, 2021, by this section from the state general fund in the Parsons state hospital and training center – operating expenditures account, an amount equal to such certified amount is hereby lapsed: *And provided further*, That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(b) During the fiscal year ending June 30, 2021, in addition to the other purposes for which expenditures may be made by the above agency from the KanCare caseloads account (039-00-1000-0610) for fiscal year 2021, as authorized by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas, this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by such agency from such account in an amount not to exceed \$13,230,000 to implement a \$15 increase to the daily reimbursement rate for nursing facilities for the period commencing January 1, 2021, through June 30, 2021: *Provided*, That on the effective date of this act, the provisions of section 83(dd) of 2021 House Bill No. 2007 requiring the expenditures to implement a \$15 increase to the daily reimbursement rate for nursing facilities for the period commencing January 1, 2021, through April 30, 2021, and requiring legislative coordinating council review and approval of such expenditures for the period commencing May 1, 2021, through June 30, 2021, are hereby declared to be null and void and shall have no force and effect.

(c) On the effective date of this act, of the \$410,661,520 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the KanCare caseloads account (039-00-1000-0610), the sum of \$34,597,675 is hereby lapsed.

(d) On the effective date of this act, of the \$35,500,000 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 74(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the non-KanCare caseloads account (039-00-1000-0611), the sum of \$8,178,905 is hereby lapsed.

Sec. 42.

KANSAS DEPARTMENT FOR  
AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

State operations (039-00-1000-0801).....	\$556,710
KanCare non-caseloads (039-00-1000-0612).....	\$6,281,324
BH community aid (039-00-1000-3004).....	\$3,000,000

*Provided*, That notwithstanding section 30(c) of 2021 House Bill No. 2007, for the fiscal year ending June 30, 2022, on or before July 15, 2021, the director of the budget shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for the operational costs of the 988 crisis hotline, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided further*, That, of such identified moneys, the director of the budget shall determine the remaining moneys available in special revenue funds: *And provided further*, That if the above agency, in consultation with the director of the budget, determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2022 to be used for operational costs of the 988 crisis hotline, the director of the budget shall certify the amount of such federal coronavirus relief moneys to the director of accounts and reports and on the date of such certification, of the \$3,000,000 appropriated for the above agency for the fiscal year ending June 30, 2022, by this section from the state general fund in the BH community aid account, an amount equal to such certified amount is hereby lapsed: *And provided further*, That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(b) On July 1, 2021, of the \$460,285,911 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 84(a) of 2021 House Bill No. 2007 from the state general fund in the KanCare caseloads account (039-00-1000-0610), the sum of \$83,658,569 is hereby lapsed.

(c) During the fiscal year ending June 30, 2022, in addition to the other purposes for which the above agency may make expenditures from the KanCare non-caseloads account (039-00-1000-0612) of the state general fund as authorized by section 84(a) of 2021 House Bill No. 2007, this or any other appropriation act of the 2021 regular session of the legislature, the above agency shall make expenditures from such account in an amount not to exceed \$6,198,516 to increase provider reimbursement rates for the specialized medical care services code (T1000) under the home and community-based services technology assisted waiver to \$43 per hour for in-home registered nurse and licensed practical nurse nursing services under such waiver: *Provided*, That on and after July 1, 2021, the provisions of section 84(a) of 2021 House Bill No. 2007 requiring the above agency to make expenditures from the KanCare non-caseloads account to

increase such rates to \$39 per hour shall be null and void and have no force and effect.

(d) On July 1, 2021, of the \$27,470,000 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 84(a) of 2021 House Bill No. 2007 from the state general fund in the non-KanCare caseloads account (039-00-1000-0611), the sum of \$1,470,000 is hereby lapsed.

Sec. 43.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) On the effective date of this act, of the \$218,083,623 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 76(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the youth services and assistance account (629-00-1000-7020), the sum of \$3,350,000 is hereby lapsed.

Sec. 44.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Youth services and assistance account (629-00-1000-7020).....\$429,592

Provided, That in addition to other purposes for which expenditures may be made by the above agency from the youth services aid and assistance account for fiscal year 2022, an amount not to exceed \$300,000 shall be expended by the above agency from such account for fiscal year 2022 for the purposes of funding the hope ranch for women pilot program: Provided further, That in addition to other purposes for which expenditures may be made by the above agency from such account for fiscal year 2022, expenditures shall be made by the above agency from such account for fiscal year 2022 for the creation of a report detailing activities conducted during the hope ranch for women pilot program, including the number of women served, the demographics of women served, the client service needs at intake, the length of services, the reasons for any cases closing, the recidivism rate, the client costs and the average project costs, and a budget itemization report and budget transaction report: And provided further, That the secretary for children and families shall submit such report to the house of representatives committee on social services budget on or before January 31, 2022.

Sec. 45.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (434-00-1000-0300).....\$30,000

Provided, That in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account (434-00-1000-0300), expenditures may be made for the relocation or remodeling of the state library.

Sec. 46.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Midwest stem cell therapy center (683-00-1000-0800).....\$500,000

*Provided*, That expenditures may be made from the midwest stem cell therapy center account in an amount not to exceed \$500,000 for the purpose of conducting clinical trials to treat COVID-19 patients using MSCTC-0010 cells developed at the midwest stem cell therapy center: *Provided further*; That such expenditures shall be made solely under the direction and control of the director of the midwest stem cell therapy center: *And provided further*; That on June 30, 2022, if such expenditures have not been made for such purpose, then the amount of \$500,000 is hereby lapsed.

Sec. 47.

STATE BOARD OF REGENTS

(a) In addition to the other purposes for which expenditures may be made by the above agency from the tuition for technical education account (561-00-1000-0120) of the state general fund for fiscal year 2021 as authorized by section 101(a) of chapter 5 of the 2020 Session Laws of Kansas, section 114(a) of 2021 House Bill No. 2007, this or other appropriation act of the 2021 regular session of the legislature, expenditures may be made by the above agency for the payment of technical education tuition for adult students who are enrolled in technical education classes while pursuing a high school equivalency (HSE) credential using the accelerating opportunity program and for the postsecondary education institution to provide a transcript to each student who completes such technical education course.

Sec. 48.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

- Tuition waivers (561-00-1000-1650).....\$215,343
- Provided*, That any unencumbered balance in the tuition waivers account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.
- Kansas promise scholarship.....\$10,000,000
- Postsecondary education operating grant (including official hospitality).....\$15,000,000
- Provided*, That expenditures shall be made by the above agency from such account during fiscal year 2022 for employee buyouts, reimbursement for the February cold weather event energy bills, economic development and scholarships: *Provided further*; That expenditures may also be made by the university of Kansas medical center for the purposes of employee retention and recruitment.
- Municipal university operating grant (561-00-1000-1010).....\$665,000
- Provided*, That expenditures shall be made by the above agency from such account during fiscal year 2022 for scholarships, utilities, student success and retention, minority student engagement, financial forecasting, modeling and reporting system development and to pursue additional economic development initiatives in conjunction with surrounding community.
- Comprehensive grant (561-00-1000-4500).....\$8,000,000
- Community college maintenance of effort.....\$5,000,000
- Provided*, That any expenditures made by community colleges from such account during fiscal year 2022 shall be for non-recurring commitments.
- Technical colleges equipment fund.....\$4,335,000
- Provided*, That expenditures shall be made by the above agency from such account during fiscal year 2022 so that the moneys are divided equally among the seven

technical colleges at \$619,285 each and used only for equipment.

Need-based aid scholarships and recruitment.....\$10,000,000

*Provided*, That expenditures shall be made by the above agency to the state universities and Washburn university from such account during fiscal year 2022 for need-based aid scholarships and student recruitment, following the board of regents policies on recruitment, if the state universities and Washburn university: (1) Are offering class in person, if such class was previously offered in person in the classroom; (2) have refunded any money for room, board and meal plans related to closure because of the pandemic directly to the student and not by providing a credit; and (3) are following the board of regents policies on deferred maintenance, if such university is required to follow such policies.

(b) During the fiscal year ending June 30, 2022, all expenditures in subsection (a) by the above agency shall be in adherence with federal guidelines for the maintenance of effort requirements included in the coronavirus response and relief supplemental appropriations (CRRSA) act and the American rescue plan act (ARPA): *Provided*, That in addition to the other purposes for which expenditures may be made for fiscal year 2022, expenditures shall be made to submit a request, in consultation with the governor or the commission of education, for a waiver of the maintenance of effort requirement in such federal acts: *Provided further*, That expenditures shall be made to submit a report to the legislative budget committee not later than January 10, 2022, detailing how maintenance of effort moneys were spent during fiscal year 2022.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the tuition for technical education account (561-00-1000-0120) of the state general fund for fiscal year 2022 as authorized by section 115(a) of 2021 House Bill No. 2007, this or other appropriation act of the 2021 regular session of the legislature, expenditures may be made by the above agency for the payment of technical education tuition for adult students who are enrolled in technical education classes while pursuing a high school equivalency (HSE) credential using the accelerating opportunity program and for the postsecondary education institution to provide a transcript to each student who completes such technical education course.

Sec. 49.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Kansas promise scholarship.....\$10,000,000

*Provided*, That any unencumbered balance in the Kansas promise scholarship account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Sec. 50.

DEPARTMENT OF CORRECTIONS

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

Operating expenditures (521-00-1000-0603).....\$1,371,826

*Provided*, That notwithstanding sections 2 through 4 of chapter 1 of the 2020 Special Session Laws of Kansas, for the fiscal year ending June 30, 2021, on or before June 15, 2021, the director of the budget shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible

to be used for the February cold weather event energy bills, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided further*; That, of such identified moneys, following transfers required in 2021 Senate Substitute for Substitute House Bill No. 2196, 2021 Senate Substitute for House Bill No. 2208 or any other legislation passed by the legislature during the 2021 regular session and enacted into law, the director of the budget shall determine the remaining moneys available in special revenue funds: *And provided further*; That if the above agency in consultation with the director of the budget determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2021 to be used for the purposes of this proviso, the director of the budget shall certify the amount of such federal coronavirus relief moneys to the director of accounts and reports and on June 30, 2021, of the \$1,371,826 appropriated for the above agency for the fiscal year ending June 30, 2021, by this section from the state general fund in the operating expenditures account, an amount equal to such certified amount is hereby lapsed: *And provided further*; That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 51.

#### DEPARTMENT OF CORRECTIONS

(a) Notwithstanding section 30(c) of 2021 House Bill No. 2007, for the fiscal year ending June 30, 2022, on or before July 15, 2021, the director of the budget shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for the purposes of the replacement of adult and juvenile offender management data systems, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided*, That, of such identified moneys, following transfers required in 2021 Senate Substitute for Substitute House Bill No. 2196, 2021 Senate Substitute for House Bill No. 2208 or any other legislation passed by the legislature during the 2021 regular session and enacted into law, the director of the budget shall determine the remaining moneys available in special revenue funds: *And provided further*; That if the above agency in consultation with the director of the budget determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2022 to be used for the purposes of this subsection, the director of the budget shall certify the amount of such federal coronavirus relief moneys to the director of accounts and reports and on the date of such certification, of the \$12,521,500 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 117(a) of 2021 House Bill No. 2007 from the state general fund in the evidence-based programs account (521-00-1000-0050), the sum of up to \$2,000,000 is hereby lapsed: *And provided further*; That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(b) Notwithstanding section 30(c) of 2021 House Bill No. 2007, for the fiscal year ending June 30, 2022, on or before July 15, 2021, the director of the budget shall determine the amount of moneys from any federal law that appropriates moneys to the

state for aid for coronavirus relief that are eligible to be used for the purposes of the replacement of adult and juvenile offender management data systems, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided*, That, of such identified moneys, following transfers required in 2021 Senate Substitute for Substitute House Bill No. 2196, 2021 Senate Substitute for House Bill No. 2208 or any other legislation passed by the legislature during the 2021 regular session and enacted into law, the director of the budget shall determine the remaining moneys available in special revenue funds: *Provided further*, That if the above agency in consultation with the director of the budget determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2022 to be used for the purposes of this subsection, the director of the budget shall certify the amount of such federal coronavirus relief moneys to the director of accounts and reports and on the date of such certification, the sum of up to \$79,182 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 117(a) of 2021 House Bill No. 2007 from the state general fund in the debt service payments – data systems replacement account (521-00-1000) is hereby lapsed: *And provided further*, That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(c) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2022, the following:

Capital improvements – rehabilitation  
and repair of juvenile correctional  
facilities (521-00-8100-8000).....\$200,000

*Provided*, That expenditures shall be made from the capital improvements – rehabilitation and repair of juvenile correctional facilities account for a study of repurposing the Kansas juvenile correctional complex and establishing three or more smaller regional juvenile facilities: *Provided further*, That such study shall also address future plans for the former Larned juvenile correctional facility and other underutilized facilities within the correctional system: *And provided further*, That a report on such study's findings shall be submitted to the legislature prior to July 1, 2022.

Sec. 52.

ADJUTANT GENERAL

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

Operating expenditures (034-00-1000-0053).....\$179,519

*Provided*, That notwithstanding sections 2 through 4 of chapter 1 of the 2020 Special Session Laws of Kansas, for the fiscal year ending June 30, 2021, on or before June 15, 2021, the director of the budget shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for the February cold weather event energy bills, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided further*, That, of such identified moneys, following transfers required in 2021 Senate Substitute for Substitute House Bill No. 2196, 2021 Senate Substitute for House Bill No. 2208 or any other legislation passed by

the legislature during the 2021 regular session and enacted into law, the director of the budget shall determine the remaining moneys available in special revenue funds: *And provided further*; That if the above agency in consultation with the director of the budget determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2021 to be used for the purposes of this proviso, the director of the budget shall certify the amount of such federal coronavirus relief moneys to the director of accounts and reports and on June 30, 2021, of the \$179,519 appropriated for the above agency for the fiscal year ending June 30, 2021, by this section from the state general fund in the operating expenditures account, an amount equal to such certified amount is hereby lapsed: *And provided further*; That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 53.

#### KANSAS HIGHWAY PATROL

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$44,835 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund (280-00-2034-1100) of the Kansas highway patrol.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2021, by section 107(a) of chapter 5 of the 2020 Session Laws of Kansas on the Kansas highway patrol operations fund (280-00-2034-1100) of the Kansas highway patrol is hereby increased from \$55,304,248 to \$55,349,083.

(c) Notwithstanding sections 2 through 4 of chapter 1 of the 2020 Special Session Laws of Kansas, for the fiscal year ending June 30, 2021, on or before June 15, 2021, the director of the budget shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for the February cold weather event energy bills, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided further*; That, of such identified moneys, following transfers required in 2021 Senate Substitute for Substitute House Bill No. 2196, 2021 Senate Substitute for House Bill No. 2208 or any other legislation passed by the legislature during the 2021 regular session and enacted into law, the director of the budget shall determine the remaining moneys available in special revenue funds: *And provided further*; That if the above agency in consultation with the director of the budget determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2021 to be used for the purposes of this subsection, the director of the budget shall certify the amount of such federal coronavirus relief moneys to the director of accounts and reports and on June 30, 2021, of the \$44,835 transferred by subsection (a) for the fiscal year ending June 30, 2021, an amount equal to such certified amount is hereby lapsed: *And provided further*; That such increase in the expenditure limitation by subsection (b) for the fiscal year ending June 30, 2021, shall be decreased by such certified amount: *And provided further*; That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 54.

ATTORNEY GENERAL – KANSAS  
BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (083-00-1000-0083).....\$366,552

*Provided*, That during the fiscal year ending June 30, 2022, the director of the Kansas bureau of investigation shall certify the actual amount of expenditures from the operating expenditures account for contract vendor programming updates and responsibilities for the criminal history repository, including expungement responsibilities, relating to 2021 House Bill No. 2058 to the director of accounts and reports: *Provided further*, That upon receipt of such certification by the director of accounts and reports, of the \$366,552 appropriated for the above agency for the fiscal year ending June 30, 2022, by this section from the state general fund in the operating expenditures account, the difference between \$250,000 and such certified amount is hereby lapsed: *And provided further*, That at the same time as the director of the Kansas bureau of investigation transmits certification to the director of accounts and reports, the director of the Kansas bureau of investigation shall transmit a copy of such certification to the director of the budget and the director of legislative research.

Sec. 55.

KANSAS DEPARTMENT OF WILDLIFE AND PARKS

(a) On July 1, 2021, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 136(b) of 2021 House Bill No. 2007 on the wildlife fee fund (710-00-2300-2890) of the Kansas department of wildlife and parks is hereby increased from \$34,732,891 to \$35,855,891.

Sec. 56.

DEPARTMENT OF TRANSPORTATION

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$12,500,000 from the state highway fund (276-00-4100-4100) of the department of transportation to the special city and county highway fund (276-00-4220-4220): *Provided*, That, in addition to other purposes for which transfers and expenditures may be made from the state highway fund during fiscal year 2021 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers may be made from the state highway fund to the special city and county highway fund under this subsection during fiscal year 2021.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the special city and county highway fund (276-00-4220-4220) for fiscal year 2021, expenditures may be made by the above agency from the special city and county highway fund for fiscal year 2021 for the purposes of an additional allocation and payment to the several counties and several cities in the state: *Provided*, That prior to July 1, 2021, the state treasurer shall apportion and pay \$12,500,000 to the several counties and several cities in the state in the manner provided in K.S.A. 79-3425c, and amendments thereto.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the county equalization and adjustment fund (276-00-4210-4210) for fiscal year 2021, expenditures maybe made by the above agency from the county equalization and adjustment fund for fiscal year 2021 for the purposes of an additional distribution to qualifying counties in the state: *Provided*, That prior to July 1, 2021, the

state treasurer distribute any remaining balance in the county equalization and adjustment fund in the manner provided in K.S.A. 79-3425c, and amendments thereto.

Sec. 57.

#### DEPARTMENT OF TRANSPORTATION

(a) On July 1, 2021, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 138(b) of 2021 House Bill No. 2007 on the agency operations (276-00-4100-0403) account of the state highway fund (276-00-4100-4100) of the department of transportation is hereby increased from \$283,051,550 to \$283,077,900.

Sec. 58. (a) On June 30, 2022, notwithstanding the provisions of K.S.A. 74-8768, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount of any unencumbered balance in the expanded lottery act revenues fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the expanded lottery act revenues fund to the state general fund as prescribed by law.

(b) On June 30, 2022, the director of accounts and reports shall determine and notify the director of the budget if the amount of revenue collected in the expanded lottery act revenues fund for the fiscal year ending June 30, 2022, is insufficient to fund the appropriations and transfers that are authorized from the expanded lottery act revenues fund for the fiscal year ending June 30, 2022, in accordance with the provisions of appropriation acts. The director of the budget shall certify to the director of accounts and reports the amount necessary to be transferred from the state general fund to the expanded lottery act revenues fund in order to fund all such appropriations and transfers that are authorized from the expanded lottery act revenues fund for the fiscal year ending June 30, 2022. Upon receipt of such certification, the director of accounts and reports shall transfer the amount of moneys from the state general fund to the expanded lottery act revenues fund that is required in accordance with the certification by the director of the budget under this section. At the same time as the director of the budget transmits this certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 59. (a) Notwithstanding any other provision of law, no state agency named in 2021 House Bill No. 2007, this or other appropriation act of the 2021 regular session of the legislature shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for each such state agency for fiscal year 2021 as authorized by chapter 5 of the 2020 Session Laws of Kansas, 2021 House Bill No. 2007, this or other appropriation act of the 2021 regular session of the legislature to: (1) Issue a COVID-19 vaccination passport to any individual without such individual's consent; (2) require an individual to use a COVID-19 vaccination passport within this state for any purpose; or (3) deny housing or refuse access to a place accessible to the general public, or separate from others in a place accessible to the general public, including entry, education, travel and services within this state, based on such individual's COVID-19 vaccination status: *Provided, however*; That nothing in this section shall prohibit a state agency from instituting COVID-19 screening protocols in accordance with state and federal law to protect the public health.

(b) As used in this section:

(1) "COVID-19 vaccination passport" means written or electronic documentation of an individual's COVID-19 vaccination status; and

(2) "screening protocol" means a non-invasive method to determine whether an individual has symptoms or other risk factors for developing COVID-19, including, but not limited to, temperature checks, self-reporting of exposure, self-reported vaccination status and questionnaires.

Sec. 60. (a) Notwithstanding any other provision of law, no state agency named in 2021 House Bill No. 2007, this or other appropriation act of the 2021 regular session of the legislature shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for each such state agency for fiscal year 2022 as authorized by 2021 House Bill No. 2007, this or other appropriation act of the 2021 regular session of the legislature to: (1) Issue a COVID-19 vaccination passport to any individual without such individual's consent; (2) require an individual to use a COVID-19 vaccination passport within this state for any purpose; or (3) deny housing or refuse access to a place accessible to the general public, or separate from others in a place accessible to the general public, including entry, education, travel and services within this state, based on such individual's COVID-19 vaccination status: *Provided, however*; That nothing in this section shall prohibit a state agency from instituting COVID-19 screening protocols in accordance with state and federal law to protect the public health.

(b) As used in this section:

(1) "COVID-19 vaccination passport" means written or electronic documentation of an individual's COVID-19 vaccination status; and

(2) "screening protocol" means a non-invasive method to determine whether an individual has symptoms or other risk factors for developing COVID-19, including, but not limited to, temperature checks, self-reporting of exposure, self-reported vaccination status and questionnaires.

Sec. 61. (a) Subject to the provisions of subsection (c), in addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022, as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to renovate building No. 3, Docking state office building. Such capital improvement project is hereby approved for the department of administration for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with such statute. The department of administration shall make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project. The aggregate principal from the issuance of any such bonds for such capital improvement project shall not exceed \$120,000,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for the payment of principal and interest on the bonds, and minus any moneys identified pursuant to subsection (d). All moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants. The debt service for any such bonds for such capital improvement project shall be financed by appropriations from

the state general fund or any appropriate special revenue fund or funds. Any such bonds and interest thereon shall be an obligation only of the Kansas development finance authority, shall not constitute a debt of the state of Kansas within the meaning of section 6 or 7 of article 11 of the constitution of the state of Kansas and shall not pledge the full faith and credit or the taxing power of the state of Kansas. This capital improvement project shall be implemented using the building design-build project delivery procedures pursuant to K.S.A. 75-37,145 et seq., and amendments thereto.

(b) Subject to the provisions of subsection (c), in addition to the other purposes for which expenditures may be made by the department of health and environment from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022, as authorized by this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the department of health and environment from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2022 to issue a request for proposal for a capital improvement project to construct or renovate a building and to equip a department of health and environment laboratory. Such request for proposal shall be within an eight-mile radius of the capitol complex in Topeka for location of such laboratory. Following receipt of such proposals, the department of health and environment shall present all proposals to the joint committee on state building construction for review. The joint committee on state building construction shall review and make a recommendation to the state finance council concerning the capital improvement project. Following the procedures established in this section, the department of health and environment shall provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct or renovate a building and to equip a department of health and environment laboratory. Such capital improvement project is hereby approved for the department of health and environment for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute. The department of health and environment shall make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project. The aggregate principal from the issuance of any such bonds for such capital improvement project shall not exceed \$65,000,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for the payment of principal and interest on the bonds, and minus any moneys identified pursuant to subsection (d). All moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants. The debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds. Any such bonds and interest thereon shall be an obligation only of the Kansas development finance authority, shall not constitute a debt of the state of Kansas within the meaning of section 6 or 7 of article 11 of the constitution of the state of Kansas and shall not pledge the full faith and credit or the taxing power of the state of Kansas.

(c) Prior to proceeding with the capital improvement projects authorized in this section, such projects shall be approved by the state finance council acting on this

matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(e), and amendments thereto, except that such approval also may be given while the legislature is in session. Such projects shall be approved in a single resolution of the state finance council.

(d) Prior to issuing any bonds as authorized in this section, the director of the budget, in consultation with the secretary of administration and secretary of health and environment, shall determine the amount of moneys received by the state that are identified as moneys from the federal government for aid to the state of Kansas for coronavirus relief as appropriated in the following acts that are eligible to be used for any such capital improvement projects, may be expended at the discretion of the state, in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: (1) The federal CARES act, public law 116-136; (2) the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123; (3) the federal families first coronavirus response act, public law 116-127; (4) the federal paycheck protection program and health care enhancement act, public law 116-139; (5) the federal consolidated appropriations act, 2021, public law 116-260; (6) the American rescue plan act of 2021, public law 117-2; and (7) any other federal law that appropriates moneys to the state for aid for coronavirus relief. Upon the identification of such moneys, the director of the budget shall transfer such moneys into the special revenue fund or funds as determined to pay the portion of the costs of such capital improvement projects authorized by this section.

Sec. 62. (a) During the fiscal year ending June 30, 2021, subject to the provisions of K.S.A. 2020 Supp. 32-833, and amendments thereto, the secretary of wildlife, parks and tourism is hereby authorized to acquire by purchase a portion of the Southwest Quarter of Section 05 and a portion of the West Half of Section 08, Township 28 South, Range 09 West of the 6th Principal Meridian, Kingman County, Kansas, more particularly described as:

Commencing at the Southwest Corner of the Southwest Quarter of Section 05, Township 28 South, Range 09 West of the 6th Principal Meridian; thence with a bearing of North 02°07'11" West (basis of bearing is NAD 83 Kansas South Zone) along the West line of said Southwest Quarter 852.00 feet for the point of beginning; thence continuing North 02°07'11" West along the West line of said Southwest Quarter 1,792.50 feet to the Northwest corner of the Southwest Quarter of said Section 05; thence South 89°58'03" East along the North line of said Southwest Quarter 2,626.15 feet to the Northeast corner of said Southwest Quarter; thence South 01°18'12" East along the East line of said Southwest Quarter 2,642.55 feet to the Northwest corner of the Northeast Quarter of Section 08, Township 28 South, Range 09 West; thence South 89°59'10" East along the North line of said Northeast Quarter 1,293.93 feet to the Northeast corner of the Northwest Quarter of said Northeast Quarter; thence South 00°31'01" East along the East line of the West Half of said Northeast Quarter 1,995.13 feet to the Northwest corner of the South Half of the Southeast Quarter of said Northeast Quarter of said Section 08; thence South 89°57'50" East along the North line of the South Half of the Southeast Quarter of said Northeast Quarter 1,298.11 feet to the Northeast corner of the South Half of the Southeast Quarter of said Northeast Quarter; thence South 00°37'39" East along the East line of the South Half of the Southeast Quarter of said Northeast Quarter 665.22 feet to the Northeast corner of the Southeast

Quarter of said Section 08; thence South 00°38'05" East along the East line of said Southeast Quarter 2,661.12 feet to the Southeast corner of said Southeast Quarter; thence North 89°55'39" West along the South line of said Southeast Quarter 1,304.87 feet to the Southwest corner of the Southeast Quarter of said Southeast Quarter; thence North 00°31'01" West along the West line of the Southeast Quarter of said Southeast Quarter 1,330.21 feet; thence North 89°56'32" West along the South line of the Northwest Quarter of said Southeast Quarter 1,302.13 feet to the Southwest corner of the Northwest Quarter of said Southeast Quarter; thence continuing North 89°56'32" West along the South line of the North Half of the Southwest Quarter of said Section 08 a distance of 2,214.43 feet to a point that is 390.01 feet East of the Southwest corner of the North Half of said Southwest Quarter; thence North 00°10'14" West parallel with the West line of said Southwest Quarter 309.73 feet; thence South 89°49'45" West 390.00 feet to the West line of said Southwest Quarter; thence North 00°10'14" West 537.00 feet to a point that is 484.00 feet South of the Northwest corner of said Southwest Quarter; thence South 89°57'23" East 400.51 feet; thence North 26°42'54" East 523.05 feet; thence North 46°19'16" East 947.98 feet; thence North 60°03'35" East 364.25 feet; thence North 00°44'32" East 1,838.40 feet to the North line of the Northwest Quarter of said Section 08; thence North 54°39'38" West 1,472.49 feet; thence North 89°59'07" West parallel with the South line of the Southwest Quarter of Section 05 a distance of 500.35 feet to the point of beginning, containing 493.791 Acres, subject to a Road Right-of-way easement across the West 30.00 feet thereof and any other easements or restrictions of record.

(b) The provisions of K.S.A. 75-3739, and amendments thereto, shall not apply to the acquisition authorized by this section or any contracts required therefor.

(c) In the event that the secretary of wildlife, parks and tourism determines that the legal description of the parcel described by this section is incorrect, the secretary of wildlife, parks and tourism may purchase the property utilizing the correct legal description.

Sec. 63.

#### STATE FINANCE COUNCIL

(a) During the fiscal year ending June 30, 2022, for any expenditure requested to be made from or obligation requested to be incurred against any federal grant or other federal receipt of moneys from the federal government received by the state of Kansas for aid for coronavirus relief for which state finance council authorization is required, no such authorization shall be granted without recommendation from the strengthening people and revitalizing Kansas executive committee: *Provided*, That the strengthening people and revitalizing Kansas executive committee shall meet and review each such request and shall report such executive committee's recommendation to the state finance council: *Provided further*, That the membership of such executive committee shall consist of seven individuals, including a chairperson appointed by the governor, one public sector individual appointed by the governor, one private sector individual appointed by the governor, the president of the senate or the president's designee, one private sector individual appointed by the president of the senate, the speaker of the house of representatives or the speaker's designee and one private sector individual appointed by the speaker of the house of representatives.

Sec. 64. K.S.A. 2020 Supp. 17-12a601 is hereby amended to read as follows: 17-12a601. (a) *Administration*. (1) This act shall be administered by the securities

commissioner of Kansas.

(2) All fees herein provided for shall be collected by the administrator. All salaries and expenses necessarily incurred in the administration of this act shall be paid from the securities act fee fund.

(3) The administrator shall remit all moneys received from all fees, charges, deposits or penalties which have been collected under this act or other laws of this state regulating the issuance, sale or disposal of securities or regulating dealers in this state to the state treasurer at least monthly. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury. In accordance with K.S.A. 75-3170a, and amendments thereto, 10% of each such deposit shall be credited to the state general fund and, except as provided in subsection (d), the balance shall be credited to the securities act fee fund.

(4) Except as provided further, on the last day of each fiscal year, the director of accounts and reports shall transfer from the securities act fee fund to the state general fund any remaining unencumbered amount in the securities act fee fund exceeding \$50,000 so that the beginning unencumbered balance in the securities act fee fund on the first day of each fiscal year is \$50,000. During the fiscal years ending June 30, 2021, and June 30, 2022, no moneys shall be transferred from the securities act fee fund to the state general fund pursuant to this paragraph. All expenditures from the securities act fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the administrator or by a person or persons designated by the administrator.

(5) All amounts transferred from the securities act fee fund to the state general fund under paragraph (4) are to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(b) *Prohibited conduct.* (1) It is unlawful for the administrator or an officer, employee, or designee of the administrator to use for personal benefit or the benefit of others records or other information obtained by or filed with the administrator that are not public under K.S.A. 17-12a607(b), and amendments thereto. This act does not authorize the administrator or an officer, employee, or designee of the administrator to disclose the record or information, except in accordance with K.S.A. 17-12a602, 17-12a607(c), or 17-12a608, and amendments thereto.

(2) Neither the administrator nor any employee of the administrator shall be interested as an officer, director, or stockholder in securing any authorization to sell securities under the provisions of this act.

(c) *No privilege or exemption created or diminished.* This act does not create or diminish a privilege or exemption that exists at common law, by statute or rule, or otherwise.

(d) *Investor education and protection.* (1) The administrator may develop and implement investor education and protection initiatives to inform the public about investing in securities and protect the public from violations of the Kansas uniform securities act, K.S.A. 17-12a101 et seq., and amendments thereto. Such initiatives shall have a particular emphasis on the prevention, detection, enforcement and prosecution of securities fraud. In developing and implementing these initiatives, the administrator

may collaborate with public and nonprofit organizations with an interest in investor education or protection. The administrator may accept a grant or donation from a person that is not affiliated with the securities industry or from a nonprofit organization, regardless of whether the organization is affiliated with the securities industry, to develop and implement investor education and protection initiatives. This subsection does not authorize the administrator to require participation or monetary contributions of a registrant in an investor education program.

(2) There is hereby established in the state treasury the investor education and protection fund. Such fund shall be administered by the administrator for the purposes described in subsection (d)(1) and for the education of registrants, including official hospitality. Moneys collected as civil penalties under this act shall be credited to the investor education and protection fund. The administrator may also receive payments designated to be credited to the investor education and protection fund as a condition in settlements of cases arising out of investigations or examinations. All expenditures from the investor education and protection fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the administrator or by a person or persons designated by the administrator.

Sec. 65. K.S.A. 74-4920 is hereby amended to read as follows: 74-4920. (1) (a) Upon the basis of each annual actuarial valuation and appraisal as provided for in K.S.A. 74-4908(3)(a), and amendments thereto, the board shall certify, on or before July 15 of each year, to the division of the budget in the case of the state and to the agent for each other participating employer an actuarially determined estimate of the rate of contribution which will be required, together with all accumulated contributions and other assets of the system, to be paid by each such participating employer to pay all liabilities which shall exist or accrue under the system, including amortization of the actuarial accrued liability as determined by the board. The board shall determine the actuarial cost method to be used in annual actuarial valuations, to determine the employer contribution rates that shall be certified by the board. Such certified rate of contribution, amortization methods and periods and actuarial cost method shall be based on the standards set forth in K.S.A. 74-4908(3)(a), and amendments thereto, and shall not be based on any other purpose outside of the needs of the system.

(b) (i) For employers affiliating on and after January 1, 1999, upon the basis of an annual actuarial valuation and appraisal of the system conducted in the manner provided for in K.S.A. 74-4908, and amendments thereto, the board shall certify, on or before July 15 of each year to each such employer an actuarially determined estimate of the rate of contribution which shall be required to be paid by each such employer to pay all of the liabilities which shall accrue under the system from and after the entry date as determined by the board, upon recommendation of the actuary. Such rate shall be termed the employer's participating service contribution and shall be uniform for all participating employers. Such additional liability shall be amortized as determined by the board. For all participating employers described in this section, the board shall determine the actuarial cost method to be used in annual actuarial valuations to determine the employer contribution rates that shall be certified by the board.

(ii) The board shall determine for each such employer separately an amount sufficient to amortize all liabilities for prior service costs which shall have accrued at the time of entry into the system. On the basis of such determination the board shall

annually certify to each such employer separately an actuarially determined estimate of the rate of contribution which shall be required to be paid by that employer to pay all of the liabilities for such prior service costs. Such rate shall be termed the employer's prior service contribution.

(2) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services the sum required to satisfy the state's obligation under this act as certified by the board and shall present the same to the legislature for allowance and appropriation.

(3) Each other participating employer shall appropriate and pay to the system a sum sufficient to satisfy the obligation under this act as certified by the board.

(4) Each participating employer is hereby authorized to pay the employer's contribution from the same fund that the compensation for which such contribution is made is paid from or from any other funds available to it for such purpose. Each political subdivision, other than an instrumentality of the state, which is by law authorized to levy taxes for other purposes, may levy annually at the time of its levy of taxes, a tax which may be in addition to all other taxes authorized by law for the purpose of making its contributions under this act and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, which tax, together with any other fund available, shall be sufficient to enable it to make such contribution. In lieu of levying the tax authorized in this subsection, any taxing subdivision may pay such costs from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102, and amendments thereto. Each participating employer which is not by law authorized to levy taxes as described above, but which prepares a budget for its expenses for the ensuing year and presents the same to a governing body which is authorized by law to levy taxes as described above, may include in its budget an amount sufficient to make its contributions under this act which may be in addition to all other taxes authorized by law. Such governing body to which the budget is submitted for approval, may levy a tax sufficient to allow the participating employer to make its contributions under this act, which tax, together with any other fund available, shall be sufficient to enable the participating employer to make the contributions required by this act.

(5) (a) The rate of contribution certified to a participating employer as provided in this section shall apply during the fiscal year of the participating employer which begins in the second calendar year following the year of the actuarial valuation.

(b) (i) Except as specifically provided in this section, for fiscal years commencing in calendar year 1996 and in each subsequent calendar year, the rate of contribution certified to the state of Kansas shall in no event exceed the state's contribution rate for the immediately preceding fiscal year by more than 0.2% of the amount of compensation upon which members contribute during the period.

(ii) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to the state of Kansas and to the participating employers under K.S.A. 74-4931, and amendments thereto, shall in no event exceed the state's contribution rate for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar years 2010 through 2012, an amount not to

exceed more than 0.6% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2013, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2015, the employer rate of contribution shall be 10.91%; (E) for the fiscal year commencing in calendar year 2016, the employer rate of contribution shall be 10.81%, except as provided by section 37(b) of chapter 54 of 2017 Session Laws of Kansas, and amendments thereto, for the participating employers under K.S.A. 74-4931, and amendments thereto; (F) for the fiscal year commencing in calendar year 2017, the employer rate of contribution shall be 12.01% and for participating employers under K.S.A. 74-4931, and amendments thereto, an additional percentage of compensation corresponding to the level dollar repayment amount certified by the board pursuant to subsection (17); ~~and (G) for the fiscal year commencing in calendar year 2021, the employer rate of contribution shall be 13.33%; (H) for the fiscal year commencing in calendar year 2022, the employer rate of contribution shall be 13.11%;~~ and (I) in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year and for participating employers under K.S.A. 74-4931, and amendments thereto, an additional percentage of compensation corresponding to the level dollar repayment amount certified by the board pursuant to subsections (17) and (18).

(iii) Except as specifically provided in this section, for fiscal years commencing in calendar year 1997 and in each subsequent calendar year, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed such participating employer's contribution rate for the immediately preceding fiscal year by more than 0.15% of the amount of compensation upon which members contribute during the period.

(iv) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed the contribution rate for such employers for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar years 2010 through 2013, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2015, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2016, an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (E) for the fiscal year commencing in calendar year 2017, and in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year.

(v) As part of the annual actuarial valuation, there shall be a separate employer rate of contribution calculated for the state of Kansas, a separate employer rate of contribution calculated for participating employers under K.S.A. 74-4931, and amendments thereto, a combined employer rate of contribution calculated for the state

of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, and a separate employer rate of contribution calculated for all other participating employers.

(vi) There shall be a combined employer rate of contribution certified to the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto. There shall be a separate employer rate of contribution certified to all other participating employers.

(vii) If the combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, is greater than the separate employer rate of contribution for the state of Kansas, the difference in the two rates applied to the actual payroll of the state of Kansas for the applicable fiscal year shall be calculated. This amount shall be certified by the board for deposit as additional employer contributions to the retirement benefit accumulation reserve for the participating employers under K.S.A. 74-4931, and amendments thereto.

(6) The actuarial cost of any legislation enacted in the 1994 session of the Kansas legislature will be included in the June 30, 1994, actuarial valuation in determining contribution rates for participating employers.

(7) The actuarial cost of the provisions of K.S.A. 74-4950i, and amendments thereto, will be included in the June 30, 1998, actuarial valuation in determining contribution rates for participating employers. The actuarial accrued liability incurred for the provisions of K.S.A. 74-4950i, and amendments thereto, shall be amortized over 15 years.

(8) Except as otherwise provided by law, the actuarial cost of any legislation enacted by the Kansas legislature, except the actuarial cost of K.S.A. 74-49,114a, and amendments thereto, shall be in addition to the employer contribution rates certified for the employer contribution rate in the fiscal year immediately following such enactment. Such actuarial cost shall be determined by the qualified actuary employed or retained by the system pursuant to K.S.A. 74-4908, and amendments thereto, and reported to the system and the joint committee on pensions, investments and benefits.

(9) Notwithstanding the provisions of subsection (8), the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be first reflected in employer contribution rates effective with the first day of the first payroll period for the fiscal year 2005. The actuarial accrued liability incurred for the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be amortized over 10 years.

(10) The cost of the postretirement benefit payment provided pursuant to the provisions of K.S.A. 74-49,114b, and amendments thereto, for retirants other than local retirants as described in subsection (11) or insured disability benefit recipients shall be paid in the fiscal year commencing on July 1, 2007.

(11) The actuarial accrued liability incurred for the provisions of K.S.A. 74-49,114b, and amendments thereto, for the KPERS local group and retirants who were employees of local employers which affiliated with the Kansas police and firemen's retirement system shall be amortized over 10 years.

(12) The cost of the postretirement benefit payment provided pursuant to the provisions of K.S.A. 74-49,114c, and amendments thereto, for retirants other than local retirants as described in subsection (13) or insured disability benefit recipients shall be paid in the fiscal year commencing on July 1, 2008.

(13) The actuarial accrued liability incurred for the provisions of K.S.A. 74-

49,114c, and amendments thereto, for the KPERS local group and retirants who were employees of local employers which affiliated with the Kansas police and firemen's retirement system shall be amortized over 10 years.

(14) The board with the advice of the actuary may fix the contribution rates for participating employers joining the system after one year from the first entry date or for employers who exercise the option contained in K.S.A. 74-4912, and amendments thereto, at rates different from the rate fixed for employers joining within one year of the first entry date.

(15) Employer contributions shall in no way be limited by any other act which now or in the future establishes or limits the compensation of any member.

(16) Notwithstanding any provision of law to the contrary, each participating employer shall remit quarterly, or as the board may otherwise provide, all employee deductions and required employer contributions to the executive director for credit to the Kansas public employees retirement fund within three days after the end of the period covered by the remittance by electronic funds transfer. Remittances of such deductions and contributions received after such date are delinquent. Delinquent payments due under this subsection shall be subject to interest at the rate established for interest on judgments under K.S.A. 16-204(a), and amendments thereto. At the request of the board, delinquent payments which are due or interest owed on such payments, or both, may be deducted from any other moneys payable to such employer by any department or agency of the state.

(17) The actuarial cost of the reduction of employer contributions for eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and amendments thereto, pursuant to the provisions of section 37 of chapter 54 of the 2017 session laws of Kansas, and amendments thereto, shall be amortized over 20 years as a level dollar amount, as certified by the board upon recommendation of the consulting actuary, through an additional percentage of compensation for participating employers under K.S.A. 74-4931, and amendments thereto. This additional percentage of compensation shall first be reflected in employer contribution rates for participating employers under K.S.A. 74-4931, and amendments thereto, effective on the first day of the first payroll period for the fiscal year 2018.

(18) The actuarial cost of \$194,022,683 shall be amortized over 20 years as a level dollar amount, as certified by the board upon recommendation of the consulting actuary, through an additional percentage of compensation for participating employers under K.S.A. 74-4931, and amendments thereto. This additional percentage of compensation shall first be reflected in employer contribution rates for participating employers under K.S.A. 74-4931, and amendments thereto, effective on the first day of the first payroll period for the fiscal year 2020.

Sec. 66. *Severability.* If any provision or clause of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 67. *Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the expanded lottery act revenues fund, the state

economic development initiatives fund, the children's initiatives fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any of such funds.

Sec. 68. If any fund or account name described by words and the numerical accounting code that follows such fund or account name do not match, it shall be conclusively presumed that the legislature intended that the fund or account name described by words is the correct fund or account name, and such fund or account name described by words shall control over a contradictory or incorrect numerical accounting code.

Sec. 69. K.S.A. 74-4920 and K.S.A. 2020 Supp. 17-12a601 are hereby repealed.";  
And by renumbering remaining sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 through 3; in line 4, by striking all before the period and inserting "making and concerning appropriations for the fiscal years ending June 30, 2021, June 30, 2022, and June 30, 2023, for state agencies; authorizing and directing payment of certain claims against the state; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 74-4920 and K.S.A. 2020 Supp. 17-12a601 and repealing the existing sections";

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

TROY WAYMASTER  
KYLE HOFFMAN  
KATHY WOLFE MOORE  
*Conferees on part of House*

RICK BILLINGER  
J. R. CLAEYS  
TOM HAWK  
*Conferees on part of Senate*

Senator Billinger moved the Senate adopt the Conference Committee Report on **SB 159**.

On roll call, the vote was: Yeas 26; Nays 12; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Erickson, Fagg, Faust-Goudeau, Haley, Hawk, Holscher, Kerschen, Kloos, Longbine, Masterson, O'Shea, Petersen, Pettey, Pittman, Ryckman, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Baumgardner, Doll, Gossage, Hilderbrand, Holland, McGinn, Olson, Peck, Pyle, Steffen, Straub, Tyson.

Present and Passing: Francisco.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

On motion of Senator Alley, the Senate recessed until 9:00 p.m.

### POINT OF PERSONAL PRIVILEGE

Senator Peck rose on a Point of Personal Privilege and submitted the following comments: "Today, May 7, 2021, at 7:07 pm., in the pink blanket, weighing in at 7 lb., 3 oz., Elisabeth Jane Jabben, known to me as E.J., was born to our granddaughter Libbi Jabben and her husband, John Michael Jabben. E.J. is not only the first great-grandchild for Tamara and me, but she also has many other living grandparents. She has a total of 4 grandparents, eight great-grandparents, and get this, six great-great-grandparents – meaning there are five generations in six different lines or families. E.J., Welcome to the United States of America.

### CONFERENCE COMMITTEE REPORTS

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **S Sub HB 2313** submits the following report:

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

On page 2, in line 5, by striking "in" and inserting "and any COVID-19 related local, state or federal funding in calendar year"; in line 6, after "to" by inserting "the gross revenue received by the claimant in calendar year"; in line 17, by striking "and healthcare providers, including, but not limited to"; in line 18, by striking all after "psychoanalysts"; in line 19, by striking all before the semicolon;

On page 3, in line 42, after "(f)" by inserting "'Restricted" means any occupancy limitation, limitation on periods of operation or the exertion by any governmental entity of other significant control on business resources or functionality related to the COVID-19 pandemic.

(g)";

On page 4, in line 23, by striking all after "year"; by striking all in lines 24 through 31 and inserting "multiplied by  $\frac{1}{365}$  and further multiplied by the number of calendar days the ordered shutdown was in effect."; in line 34, by striking all after "year"; by striking all in lines 35 through 43;

On page 5, by striking all in lines 1 through 3 and inserting "multiplied by  $\frac{1}{365}$  and further multiplied by the percentage of the ordered restricted operation limitation and then further multiplied by the number of calendar days the ordered restricted operation limitation was in effect."; following line 11, by inserting:

"(h) Amounts received by claimants pursuant to this act shall be exempt from Kansas income taxation under the provisions of article 32 of chapter 79 of the Kansas Statutes Annotated.";

Also on page 5, in line 26, by striking "April" and inserting "June"; in line 29, by striking "four" and inserting "two";

On page 7, in line 3, after "Each" by inserting "city or"; in line 5, after "such" by inserting "city or"; also in line 5, after the first "county" by inserting "in the event that the city or county issued a COVID-19 related order, action or declaration pursuant to section 3, and amendments thereto, that is the basis for a claimant refund pursuant to this act"; also in line 5, after "A" by inserting "city or"; also in line 5, after "the" by inserting "city or";

On page 12, in line 16, by striking "Commencing in" and inserting "For"; also in line

16, by striking "year" and inserting "years"; also in line 16, by striking all after "2021"; in line 17, by striking "thereafter" and inserting "through 2025";

On page 18, following line 33, by inserting:

"Sec. 36. K.S.A. 79-201 is hereby amended to read as follows: 79-201. The following described property, to the extent herein specified, shall be and is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

*First.* All buildings used exclusively as places of public worship and all buildings used exclusively by school districts and school district interlocal cooperatives organized under the laws of this state, with the furniture and books therein contained and used exclusively for the accommodation of religious meetings or for school district or school district interlocal cooperative purposes, whichever is applicable, together with the grounds owned thereby if not leased or otherwise used for the realization of profit, except that: (a) (1) Any school building, or portion thereof, together with the grounds upon which the building is located, shall be considered to be used exclusively by the school district for the purposes of this section when leased by the school district to any political or taxing subdivision of the state, including a school district interlocal cooperative, or to any association, organization or nonprofit corporation entitled to tax exemption with respect to such property; and (2) any school building, together with the grounds upon which the building is located, shall be considered to be used exclusively by a school district interlocal cooperative for the purposes of this section when being acquired pursuant to a lease-purchase agreement; and (b) any building, or portion thereof, used as a place of worship, together with the grounds upon which the building is located, shall be considered to be used exclusively for the religious purposes of this section when used as a not-for-profit day care center for children which is licensed pursuant to K.S.A. 65-501 et seq., and amendments thereto, or when used to house an area where the congregation of a church society and others may purchase tracts, books and other items relating to the promulgation of the church society's religious doctrines.

*Second.* All real property, and all tangible personal property, actually and regularly used exclusively for literary, educational, scientific, religious, benevolent or charitable purposes, including property used exclusively for such purposes by more than one agency or organization for one or more of such exempt purposes. Except with regard to real property which is owned by a religious organization, is to be used exclusively for religious purposes and is not used for a nonexempt purpose prior to its exclusive use for religious purposes which property shall be deemed to be actually and regularly used exclusively for religious purposes for the purposes of this paragraph, this exemption shall not apply to such property, not actually used or occupied for the purposes set forth herein, nor to such property held or used as an investment even though the income or rentals received therefrom is used wholly for such literary, educational, scientific, religious, benevolent or charitable purposes. In the event any such property which has been exempted pursuant to the preceding sentence is not used for religious purposes prior to its conveyance which results in its use for nonreligious purposes, there shall be a recoupment of property taxes in an amount equal to the tax which would have been levied upon such property except for such exemption for all taxable years for which such exemption was in effect. Such recoupment tax shall become due and payable in such year as provided by K.S.A. 79-2004, and amendments thereto. A lien for such taxes shall attach to the real property subject to the same on November 1 in the year

such taxes become due and all such taxes remaining due and unpaid after the date prescribed for the payment thereof shall be collected in the manner provided by law for the collection of delinquent taxes. Moneys collected from the recoupment tax hereunder shall be credited by the county treasurer to the several taxing subdivisions within which such real property is located in the proportion that the total tangible property tax levies made in the preceding year for each such taxing subdivision bear to the total of all such levies made in that year by all such taxing subdivisions. Such moneys shall be credited to the general fund of the taxing subdivision or if such taxing subdivision is making no property tax levy for the support of a general fund such moneys may be credited to any other tangible property tax fund of general application of such subdivision. This exemption shall not be deemed inapplicable to property which would otherwise be exempt pursuant to this paragraph because an agency or organization: (a) Is reimbursed for the provision of services accomplishing the purposes enumerated in this paragraph based upon the ability to pay by the recipient of such services; or (b) is reimbursed for the actual expense of using such property for purposes enumerated in this paragraph; or (c) uses such property for a nonexempt purpose which is minimal in scope and insubstantial in nature if such use is incidental to the exempt purposes of this paragraph; or (d) charges a reasonable fee for admission to cultural or educational activities or permits the use of its property for such activities by a related agency or organization, if any such activity is in furtherance of the purposes of this paragraph; or (e) is applying for an exemption pursuant to this paragraph for a motor vehicle that is being leased for a period of at least one year.

*Third.* All moneys and credits belonging exclusively to universities, colleges, academies or other public schools of any kind, or to religious, literary, scientific or benevolent and charitable institutions or associations, appropriated solely to sustain such institutions or associations, not exceeding in amount or in income arising therefrom the limit prescribed by the charter of such institution or association.

*Fourth.* The reserve or emergency funds of fraternal benefit societies authorized to do business under the laws of the state of Kansas.

*Fifth.* All buildings of private nonprofit universities or colleges which are owned and operated by such universities and colleges as student union buildings, presidents' homes and student dormitories.

*Sixth.* All real and tangible personal property actually and regularly used exclusively by the alumni association associated by its articles of incorporation with any public or nonprofit Kansas college or university approved by the Kansas board of regents to confer academic degrees or with any community college approved by its board of trustees to grant certificates of completion of courses or curriculum, to provide accommodations and services to such college or university or to the alumni, staff or faculty thereof.

*Seventh.* All parsonages owned by a church society and actually and regularly occupied and used predominantly as a residence by a minister or other clergyman of such church society who is actually and regularly engaged in conducting the services and religious ministrations of such society, and the land upon which such parsonage is located to the extent necessary for the accommodation of such parsonage.

*Eighth.* All real property, all buildings located on such property and all personal property contained therein, actually and regularly used exclusively by any individually chartered organization of honorably discharged military veterans of the United States

armed forces or auxiliary of any such organization, which is exempt from federal income taxation pursuant to section 501(c)(19) of the federal internal revenue code of 1986, for clubhouse, place of meeting or memorial hall purposes, and real property to the extent of not more than two acres, and all buildings located on such property, actually and regularly used exclusively by any such veterans' organization or its auxiliary as a memorial park.

*Ninth.* All real property and tangible personal property actually and regularly used by a community service organization for the predominant purpose of providing humanitarian services, which is owned and operated by a corporation organized not for profit under the laws of the state of Kansas or by a corporation organized not for profit under the laws of another state and duly admitted to engage in business in this state as a foreign not-for-profit corporation if: (a) The directors of such corporation serve without pay for such services; (b) the corporation is operated in a manner which does not result in the accrual of distributable profits, realization of private gain resulting from the payment of compensation in excess of a reasonable allowance for salary or other compensation for services rendered or the realization of any other form of private gain; (c) no officer, director or member of such corporation has any pecuniary interest in the property for which exemption is claimed; (d) the corporation is organized for the purpose of providing humanitarian services; (e) the actual use of property for which an exemption is claimed must be substantially and predominantly related to the purpose of providing humanitarian services, except that, the use of such property for a nonexempt purpose which is minimal in scope and insubstantial in nature shall not result in the loss of exemption if such use is incidental to the purpose of providing humanitarian services by the corporation; (f) the corporation is exempt from federal income taxation pursuant to section 501(c)(3) of the internal revenue code of 1986; and (g) contributions to the corporation are deductible under the Kansas income tax act. As used in this clause, "humanitarian services" means the conduct of activities which substantially and predominantly meet a demonstrated community need and which improve the physical, mental, social, cultural or spiritual welfare of others or the relief, comfort or assistance of persons in distress or any combination thereof including, but not limited to, health and recreation services, child care, individual and family counseling, employment and training programs for handicapped persons and meals or feeding programs. Notwithstanding any other provision of this clause, motor vehicles shall not be exempt hereunder unless such vehicles are exclusively used for the purposes described therein, except that the use of any such vehicle for the purpose of participating in a coordinated transit district in accordance with the provisions of K.S.A. 75-5032 through 75-5037, and amendments thereto, or K.S.A. 75-5051 through 75-5058, and amendments thereto, shall be deemed as exclusive use.

*Tenth.* For all taxable years commencing after December 31, 1986, any building, and the land upon which such building is located to the extent necessary for the accommodation of such building, owned by a church or nonprofit religious society or order which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and actually and regularly occupied and used exclusively for residential and religious purposes by a community of persons who are bound by vows to a religious life and who conduct or assist in the conduct of religious services and actually and regularly engage in religious, benevolent, charitable or educational ministrations or the performance of health care services.

*Eleventh.* For all taxable years commencing after December 31, 1998, all property actually and regularly used predominantly to produce and generate electricity utilizing renewable energy resources or technologies when the applicant for such property, on or before December 31, 2016, has filed an application for exemption pursuant to this subsection or has received a conditional use permit to produce and generate electricity on the property from the county in which the property is located. Any exemption granted under the provisions of this subsection for such property when the applicant, after December 31, 2016, has filed such application or filed such application and received a conditional use permit, shall be in effect for the 10 taxable years immediately following the taxable year in which construction or installation of such property is completed. For purposes of this section, "renewable energy resources or technologies" shall include wind, solar, photovoltaic, biomass, hydropower, geothermal and landfill gas resources or technologies.

*Twelfth.* For all taxable years commencing after December 31, 2001, all personal property actually and regularly used predominantly to collect, refine or treat landfill gas or to transport landfill gas from a landfill to a transmission pipeline, and the landfill gas produced therefrom.

~~The provisions of this section, except as otherwise more specifically provided, shall apply to all taxable years commencing after December 31, 2009~~

*Thirteenth.* For all taxable years commencing after December 31, 2021, all real property actually and regularly used by a health club. For purposes of this section, "health club" means any corporation, partnership, unincorporated association or other business enterprise whose primary purpose is to offer facilities that contain cardio, weight training or strength and conditioning equipment, or any combination thereof, for the preservation, maintenance, encouragement or development of physical fitness in return for the payment of a fee that entitles the payer to the use of such facilities. A health club may have on such club's premises any of the following: Health spas, studios, tennis facilities, racquet facilities, basketball facilities or swimming pools that offer programs that enhance the primary purpose of the health club as specified in this subsection. A health club shall not be facilities that are primarily weight control facilities, health spas, dance studios, martial arts or self-defense studios, tennis, racquet or basketball facilities, swimming pools, golf clubs or similar activities that do not have the primary purpose as specified in this subsection. For purposes of this subsection, real property shall be considered owned and operated by a health club if the owner of the real property to be exempted from taxation and the business enterprise that operates the health club and collects the payment of the fee entitling the buyer to use the facility are the same business entity, a parent or subsidiary of the same business entity or have any direct or indirect common ownership.";

On page 21, in line 25, before "79-201x" by inserting "79-201,";

And by renumbering sections accordingly;

On page 1, in the title, in line 11, after the semicolon by inserting "providing for an exemption for health clubs;"; in line 20, after "2104," by inserting "79-201,";

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

CARYN TYSON

LARRY ALLEY

TOM HOLLAND

*Conferees on part of Senate*

ADAM SMITH  
 JIM GARTNER  
 LES MASON

*Conferees on part of House*

The motion of Senator Claeys to adopt the conference committee report on **S Sub HB 2313** failed.

On roll call, the vote was: Yeas 11; Nays 27; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Billinger, Claeys, Erickson, Masterson, Olson, Petersen, Pyle, Thompson, Warren, Wilborn.

Nays: Baumgardner, Bowers, Corson, Dietrich, Doll, Fagg, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, McGinn, O'Shea, Peck, Pettey, Pittman, Ryckman, Steffen, Straub, Sykes, Tyson, Ware.

Present and Passing: Faust-Goudeau, Suellentrop.

The Conference Committee Report was not adopted.

#### EXPLANATION OF VOTE

Mr. Vice President: Votes today have been difficult on a lot of issues, this being one of them. When I look at the bill as a whole, the good outweighs the potential bad. Even the bad which, most would say, is the property tax issue with our health clubs, the overarching principle to me is government should not be in the business of picking winners and losers. That's what this does. Government is giving tax benefits to some and not others. That is not right. Is this bill the right way to deal with it? I do not know. The principle in this bill is correct and I have confidence as we move forward we can examine it more in depth and come to the proper solution. But the parts that are good in here, the business protections, the 20-mills for schools, the provision for the elderly, to me those are key pieces and for those reasons I vote aye.—RENEE ERICKSON

Senators Masterson, Olson, Petersen, Pyle, Thompson and Warren request the record to show they concur with the "Explanation of Vote" offered by Senator Erickson on **S Sub HB 2313**.

#### ORIGINAL MOTION

Having voted on the prevailing side, Senator Tyson moved to not adopt the conference committee report on **S Sub HB 2313** and appoint new conferees. The motion prevailed.

The President appointed Senators Claeys, Alley and Corson as second conferees on the part of the Senate.

On motion of Senator Alley, the Senate recessed until 10:30 p.m.

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On motion of Senator Alley, the Senate recessed until 12:00 a.m.

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**MESSAGE FROM THE HOUSE**

The House accedes to the request of the Senate for a conference on **S Sub for HB 2313** and has appointed Representatives Smith, A., Mason and Gartner as conferees on the part of the House.

On motion of Senator Alley, the Senate recessed to the sound of the gavel.

**CONFERENCE COMMITTEE REPORT**

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2313** submits the following report:

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

On page 1, by striking all in lines 24 through 36;

By striking all on pages 2 through 6;

On page 7, by striking all in lines 1 through 9; in line 12, by striking all after "or"; in line 13, by striking "operations" and inserting "restricted"; in line 22, by striking "capacity limitation" and inserting "restriction"; in line 25, by striking "capacity limitation" and inserting "restriction"; also in line 25, after "For" by inserting "ordered"; in line 29, before "shutdown" by inserting "ordered"; also in line 29, by striking "capacity"; in line 30, by striking "limitations" and inserting "ordered restrictions"; in line 33, by striking "capacity limitation" and inserting "ordered restrictions"; in line 34, by striking "capacity limitation" and inserting "ordered restriction"; in line 36, by striking "limited in any capacity from conducting operations" and inserting "restricted"; in line 38, by striking all after "or"; in line 39, by striking all before "from" and inserting "restricted";

On page 8, in line 5, by striking "limited the capacity of" and inserting "restricted"; in line 7, by striking "limited the capacity of" and inserting "restricted"; in line 10, after "(d)" by inserting "For purposes of this section, "restriction" or "restricted" means any occupancy limitation, limitation on periods of operation or the exertion by any governmental entity of other significant control on business resources or functionality.

(e);

Also on page 8, by striking all in lines 18 through 43;

By striking all on pages 9 through 14;

On page 15, by striking all in lines 1 through 15;

On page 18, by striking all in lines 40 through 43;

On page 19, by striking all in lines 1 through 28;

On page 21, in line 25, by striking the first comma; also in line 25, before "79-201x" by inserting "and"; also in line 25, by striking "and 79-32,263";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "establishing"; by striking all in lines 2 and 3; in line 4, by striking all before "the" and inserting "providing for"; in line 6, by striking "capacity limitation" and inserting "restriction"; in line 15, by striking all after

the semicolon; by striking all in lines 16 through 18; in line 20, by striking ", 79-32,263";

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

J. R. CLAEYS  
LARRY ALLEY  
ETHAN CORSON

*Conferees on part of Senate*

ADAM SMITH  
LES MASON  
JIM GARTNER

*Conferees on part of House*

Senator Claeys moved the Senate adopt the Conference Committee Report on **S Sub HB 2313**.

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

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Hawk, Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Present and Passing: Baumgardner, Francisco, Haley, Holland, McGinn.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

Mr. Vice President: I've had the privilege to serve on the education, judiciary and taxation and assessment committees this session. Earlier today we overwhelmingly passed a school funding bill that included a recommendation to give additional compensation to school employees of up to \$500. These are employees that kept their jobs and were paid throughout the pandemic. That was the work of the education conference committee. The interesting thing is that the judiciary and taxation committees also worked to address the needs of Kansans that had businesses that were shut down, didn't have their income coming in but still had the property tax burden of their business. There was a balance in these two pieces of legislation and we knew business owners throughout the state would be positively impacted. This morning, we just took one of these opportunities off the table without any Kansans benefiting from our efforts. To make matters worse, this is the second year in a row that a strong bipartisan vote by this body to provide property tax relief for our over-burdened retirees has been stripped away. So I did vote 'pass' and I'm going to keep my vote of 'pass' because we've passed up on these opportunities to serve Kansans.—MOLLY BAUMGARDNER

#### MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **H Sub Sub SB 273**.

**ORIGINAL MOTION**

Senator Alley moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub Sub SB 273**.

Senator Alley moved Joint Rule 3(f) of the Senate and House of Representatives be suspended and the 30 minute rule be waived on the conference committee report on **H Sub Sub SB 273**.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub Sub SB 273** 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 as House Substitute for Substitute for Senate Bill No. 273, as follows:

On page 1, by striking all in lines 9 through 35;

By striking all on pages 2 through 19;

On page 20, by striking all in lines 1 through 25; and inserting:

"New Section 1. (a) Sections 1 through 7, and amendments thereto, shall be known and may be cited as the COVID-19 small business relief act.

(b) As used in sections 1 through 7, and amendments thereto:

(1) "Act" means the COVID-19 small business relief act.

(2) "Board" means the COVID-19 small business relief claims board established under section 3, and amendments thereto.

(3) (A) "Business" means a sole proprietorship, partnership, limited partnership, limited liability partnership, limited liability company or corporation that:

(i) Had 50 or fewer full-time equivalent employees during the period beginning March 12, 2021, and ending on the date such business files a claim pursuant to section 4, and amendments thereto; and

(ii) was organized under the laws of this state or authorized to do business in this state on March 12, 2020.

(B) "Business" does not include a not-for-profit corporation or business entity.

(4) "Governmental entity" means:

(A) The state of Kansas and any department or branch of state government, or any agency, authority, institution or other instrumentality thereof; and

(B) any county or city, or any agency, authority, institution or other instrumentality thereof.

(5) "Order" means any order issued by any governmental entity related to the COVID-19 pandemic.

(6) "Restriction" means any occupancy limitation, limitation on periods of operation or the exertion by any governmental entity of other significant control on business resources or functionality related to the COVID-19 pandemic. On and after May 31, 2021, any governmental entity mandating the use of face masks related to the COVID-19 pandemic that contains an enforcement requirement by Kansas businesses shall be considered a "restriction" under this act and subject to a claim for relief under this act.

(c) The provisions of this section shall expire on January 1, 2025.

New Sec. 2. (a) (1) There is hereby established in the state treasury the COVID-19 small business relief fund, which shall be administered by the legislative coordinating council. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports pursuant to vouchers approved by the chairperson of the legislative coordinating council or the designee of the chairperson.

(2) On and after April 1, 2023, any remaining moneys in the COVID-19 small business relief fund may be used in any manner consistent with state and federal law.

(3) (A) On or before February 15, 2023, the joint committee on special claims against the state shall meet and review the claims that have been accepted by a claimant pursuant to section 4, and amendments thereto, and shall report such committee's recommendation to the legislative coordinating council.

(B) On or before February 28, 2023, after receiving recommendations from the joint committee on special claims against the state, expenditures may be authorized by the legislative coordinating council and such requests may be approved by the members of the legislative coordinating council, as provided in K.S.A. 46-1202, and amendments thereto, acting on this matter, which is hereby characterized as a matter of legislative delegation, except that such disbursements and expenditures may also be approved while the legislature is in session.

(4) After the legislative coordinating council has approved the expenditures, the chairperson shall:

(A) Authorize payment of the amount of relief to be paid to such claimant by the state from the COVID-19 small business relief fund established pursuant to this section; and

(B) notify any county or city of the relief to be paid to such claimant by such governmental entity from such entity's fund established pursuant to section 5 or 6, and amendments thereto.

(b) Except as provided in subsection (a)(2), unless prohibited by federal law, moneys in the COVID-19 small business relief fund shall be used only for the purpose of paying:

(1) Claims as provided in section 4, and amendments thereto;

(2) compensation and other expenses paid to members of the board;

(3) administrative costs of the board and the office of the attorney general related to this act; and

(4) any repayment required by the federal government.

(c) (1) Notwithstanding the provisions of sections 2 through 4 of chapter 1 of the 2020 Special Session Laws of Kansas, any other statute, section 30(c) of 2021 House Bill No. 2007, or any other appropriation act, for the fiscal years ending June 30, 2021, and June 30, 2022, on or before July 15, 2021, the director of the budget shall determine the amount of moneys received by the state that are identified as moneys from the federal government for aid to the state of Kansas for coronavirus relief as appropriated in the following acts that are eligible to be used for the purposes of this act, may be expended at the discretion of the state, in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: (A) The federal CARES act, public law 116-136; (B) the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123; (C) the federal families first

coronavirus response act, public law 116-127; (D) the federal paycheck protection program and health care enhancement act, public law 116-139; (E) the federal consolidated appropriations act, 2021, public law 116-260; (F) the American rescue plan act of 2021, public law 117-2; and (G) any other federal law that appropriates moneys to the state for aid for coronavirus relief. If the state receives any such moneys from the federal government for aid to the state of Kansas for coronavirus relief after July 15, 2021, the director of the budget shall also identify such moneys for the purposes of fulfilling transfers required by this section.

(2) Of such identified moneys, following transfers required in 2021 Senate Substitute for Substitute for House Bill No. 2196 and 2021 Senate Substitute for House Bill No. 2208, the director of the budget shall transfer the amount certified in subsection (d) from the remaining moneys available in special revenue funds. The director of the budget shall certify the amount so determined from each fund to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of legislative research. Upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall immediately transfer such certified amount from such funds to the COVID-19 small business relief fund of the legislative coordinating council.

(d) On or before September 15, 2021, the strengthening people and revitalizing Kansas executive committee, as established pursuant to section 63 of 2021 Senate Bill No. 159, shall meet to determine the amount of moneys necessary to pay for the claims, compensation, expenses, costs and repayments established in section 2(b), and amendments thereto. Upon making such determination, the chairperson of such executive committee shall certify such amount to the director of accounts and reports and shall transmit a copy of such certification to the director of the budget and the director of legislative research. Such amount shall be not more than 25% of such remaining moneys available in special revenue funds.

(e) The provisions of this section shall expire on January 1, 2025.

New Sec. 3. (a) (1) There is hereby established under the jurisdiction of the attorney general the COVID-19 small business relief claims board.

(2) The board shall consist of three members appointed as follows: (A) One member appointed by the governor; (B) one member appointed by the president of the senate; and (C) one member appointed by the speaker of the house of representatives. The appointments shall be made on or before July 1, 2021.

(3) Members of the board shall be: (A) Residents of the state; (B) selected with special reference to training and experience for duties imposed by this act; and (C) individuals who are recognized for outstanding knowledge and leadership in the fields of finance or business. At least one member of the board shall be an attorney regularly admitted to practice law in the state of Kansas.

(4) The board shall elect a chairperson from among its members. The board shall meet on call of the chairperson. A quorum shall consist of two members of the board. All actions of the board shall be taken by a majority of the members of the board.

(5) Members of the board attending meetings of the board shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature.

(b) The board shall have authority to hire expert consultants to provide information

and assistance and gather information as required to carry out the board's duties. Such expert consultants shall work in coordination and in compliance with staff at the Kansas office of recovery to ensure compliance with federal guidelines and requirements for moneys received related to the COVID-19 pandemic.

(c) On or before September 15, 2021, the board shall, in coordination with the Kansas office of recovery, adopt policies and procedures in compliance with federal guidelines and requirements for moneys received related to the COVID-19 pandemic that are necessary to facilitate the settlement of claims through the processes provided by this act, including, but not limited to, the form and manner of submitting claims to the board and the procedures for review of claims by the board. The board may adopt rules and regulations to implement and administer the provisions of this act.

(d) The provisions of this section shall expire on January 1, 2025.

New Sec. 4. (a) (1) This act shall be administered by the board, with the assistance and support of the office of the attorney general, and all claims submitted pursuant to this act shall be for businesses impacted by an order making a restriction related to the COVID-19 pandemic. A business may file a claim with the board in a form and manner provided by the board.

(2) All claims brought under this act shall be filed with the board during the period beginning on October 1, 2021, and ending on December 31, 2021.

(3) Any such claim shall be accompanied by:

(A) Proof that the claimant is a business as defined in section 1, and amendments thereto;

(B) a copy of the claimant's 2019 and 2020 Kansas income tax returns, if applicable;

(C) proof of the claimant's business income in 2019, 2020 and 2021, if the claimant's business was in existence in any such years; and

(D) an affidavit as described in paragraph (4).

(4) The claimant shall submit an affidavit by an authorized representative of the business under penalty of perjury stating:

(A) Whether the claimant was ordered by a governmental entity to cease all operations or was otherwise restricted in such claimant's operation by an order making a restriction;

(B) the number of days that the claimant was ordered by a governmental entity to cease all operations and the number of days such claimant was restricted in any way in its operations due to an order making a restriction;

(C) the governmental entity that issued each applicable order making a restriction;

(D) a description of how the claimant was impacted financially by each order making a restriction;

(E) whether the claimant's operations were deemed essential or not essential under the Kansas essential functions framework pursuant to an executive order issued by the governor or an order issued by a local authority;

(F) the source and amount of any governmental grants related to the COVID-19 pandemic that were received by the claimant or governmental loans related to the COVID-19 pandemic made to the claimant that were forgiven by a governmental entity;

(G) the amount of any benefits the claimant received under the employment security law of this state;

(H) whether the claimant has received any tax refund, rebate or other tax relief

related to the COVID-19 pandemic; and

(I) the percentage of the relief granted that the claimant projects to use for employee pay, salary, compensation or benefits.

(5) The claimant shall submit any other information required by the board to resolve the claim.

(6) Any information received pursuant to this subsection shall be confidential, shall not be disclosed and shall not be subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding, except that such information may be disclosed to: (A) The board; (B) any employees of the board or the office of the attorney general in support of the board's duties; and (C) federal or state agencies, when necessary in the performance of their official duties or functions. Such information shall not be a public record and shall not be subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this paragraph shall not be required to be reviewed by the legislature and shall not expire in accordance with K.S.A. 45-229, and amendments thereto.

(b) (1) The board shall decide each claim based on the information submitted pursuant to this section or otherwise obtained by the board, and no hearings shall be required.

(2) Notwithstanding any other provision of law, a meeting of the board to decide a claim or conduct an informal reconsideration hearing shall not be subject to the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto, and shall not be subject to the Kansas open meetings act, K.S.A. 75-4317 et seq., and amendments thereto.

(c) In evaluating the claim award, the board shall consider the following factors for each claim:

(1) The duration and nature of the impact of each order making a restriction, including:

(A) The imposition of any curfew, occupancy restriction or other restriction on business operations; and

(B) any added duties prescribed by law on businesses in order to comply with any governmental order that applied to business operations;

(2) reasonable costs related to the filing of the claim under the procedures outlined in this act;

(3) any extraordinary contributions by the business that benefited the general public of the state;

(4) any relevant factors listed in the Kansas eminent domain procedure act, the Kansas condemnation law or the Kansas private property protection act;

(5) the moneys available for distribution from the applicable fund or funds and the number of claims against such fund or funds;

(6) any governmental grants related to the COVID-19 pandemic that were received by the claimant or governmental loans related to the COVID-19 pandemic made to the claimant that were forgiven by a governmental entity;

(7) the amount of any benefits the claimant received under the employment security law of this state;

(8) whether the claimant has received any tax refund, rebate or other tax relief related to the COVID-19 pandemic;

(9) the percentage of the relief granted that the claimant projects to use for

employee pay, salary, compensation or benefits; and

(10) the extent to which non-governmental orders or restrictions and consumer behavior contributed to the monetary loss claimed by the business. The board shall quantify the amount of the claimed loss attributable to non-governmental orders or restrictions and consumer behavior and shall not grant relief for such amount.

(d) (1) On or before September 30, 2022, the board shall decide on all claims filed pursuant to this section and issue a written decision that either grants or denies relief for each claim. The board shall issue all of the written decisions on such claims on the same date.

(2) A written decision that grants relief shall:

(A) Specify the amount of relief to be paid to the claimant as calculated under this section and approved by the board;

(B) identify the governmental entity that issued the applicable order making a restriction;

(C) assign the amount of relief to be paid to the claimant according to the governmental entity that issued the applicable order making a restriction;

(D) notify the claimant that if the claimant does not use at least the percentage of the relief such claimant projected to use for employee pay, salary, compensation or benefits for such items, such relief may be subject to repayment; and

(E) notify the claimant of the right to an informal reconsideration pursuant to subsection (e).

(3) No relief to be paid shall be assigned to a county if the applicable order issued by the county was less restrictive than an applicable order issued by the state. If the applicable order issued by the county was the same as an applicable order issued by the state, the board may assign up to 50% of the relief to be paid to the county based on availability of moneys in such county's fund established pursuant to section 5, and amendments thereto.

(4) No relief to be paid shall be assigned to a city if the applicable order issued by the city was the same or less restrictive than an applicable order issued by the state or the county where such city is located.

(5) The claimant shall notify the board in writing whether the claimant declines such relief within 15 days of receipt of the written decision. If the claimant does not make such notification, the claim shall be deemed accepted.

(6) A written decision that denies relief shall specify the reasons for such decision and notify the claimant of the right to an informal reconsideration pursuant to subsection (e). The claimant shall notify the board in writing whether the claimant challenges such decision within 15 days of receipt of the written decision.

(e) (1) A claimant may request reconsideration of the decision of the board by requesting an informal hearing to be conducted by the board. Following such hearing, the board shall issue a written decision either granting or denying relief. A written decision granting relief shall comply with the provisions of subsection (d)(2)(A) through (d)(2)(D).

(2) A claimant shall notify the board in writing whether the claimant declines such relief within 15 days of receipt of the written decision. If the claimant does not make such notification, the claim shall be deemed accepted.

(f) On or before January 31, 2023, after the board has issued all written decisions under subsection (e), the board shall report all the claims in which the relief has been

accepted by the claimant to the joint committee on special claims against the state in an open meeting. The committee shall review such claims and shall make a recommendation on such claims to the legislative coordinating council pursuant to section 2, and amendments thereto.

(g) On or before March 1, 2024, any claimant who receives relief under section 2, and amendments thereto, shall report to the attorney general the actual percentage of the relief granted such claimant used for employee pay, salary, compensation or benefits. If such percentage is less than the percentage of the relief such claimant projected to use for employee pay, salary, compensation or benefits, the attorney general shall order the claimant to pay the full projected percentage to such claimant's employees or repay the difference between the projected percentage and the actual percentage to the attorney general. Any repayment received by the attorney general 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 COVID-19 small business relief fund.

(h) If a claimant files a claim with the board pursuant to this act, such claimant shall be prohibited from filing any claim in a civil action against the state and all subdivisions of government and each of their officers, employees, agents and representatives seeking damages or any other monetary relief based on an order making a restriction related to the COVID-19 pandemic, including, but not limited to, a claim under K.S.A. 48-933, and amendments thereto, the Kansas private property protection act, K.S.A. 77-701 et seq., and amendments thereto, or any claim related to compensation for a governmental taking. A claimant shall not be prohibited from filing any claim in a civil action seeking injunctive, declaratory or other nonmonetary relief.

(i) (1) Nothing in this act shall create any property right or right in action. The courts shall have no jurisdiction to entertain any action against the board, the attorney general or the state of Kansas, or any officer or agent thereof, founded on a claim that the claimant should have received different or better treatment pursuant to this act.

(2) Determinations made by the board pursuant to this act, including, but not limited to, the eligibility of any business for relief and the determination of the proper amount of such relief, if any, shall be committed to the sole discretion of the board based on the information available to it and shall not be subject to appeal or judicial review.

(j) The provisions of this section shall expire on January 1, 2025.

New Sec. 5. (a) The board of county commissioners of any county that issues, or previously issued, an order making a restriction under this act shall establish, by adoption of a resolution, a county COVID-19 small business relief fund. The board of county commissioners shall designate an officer of the county as the administrator of such fund.

(b) The officer of the county designated as the administrator of such fund shall determine the amount of moneys received by the county on and after January 1, 2021, that are identified as moneys from the federal government for coronavirus relief aid to the county that may be expended at the discretion of the county and are unencumbered. Of such identified moneys, such officer shall determine 35% of such moneys available in county funds. The officer shall certify the amount so determined from each county fund to the board of county commissioners and transfer such certified amount from such county funds to the county COVID-19 small business relief fund. At the same time as

such certification is transmitted to the board of county commissioners, the officer shall transmit a copy of such certification to the director of legislative research and to the attorney general.

(c) Except as provided in subsection (d), unless prohibited by federal law, moneys in the county COVID-19 small business relief fund shall be used only for the purpose of paying relief amounts authorized by the legislative coordinating council pursuant to section 2, and amendments thereto. Upon receipt of a notification from the legislative coordinating council that relief is to be paid to a claimant by the county from such fund, the county shall pay such relief and provide notice of payment to the legislative coordinating council.

(d) On and after April 1, 2023, any remaining moneys in the county COVID-19 small business relief fund may be used in any manner consistent with state and federal law upon adoption of a resolution by the board of county commissioners. Such resolution shall abolish the county COVID-19 small business relief fund on December 31, 2024, and all pending or future claims against the fund are hereby declared to be null and void.

(e) The provisions of this section shall expire on January 1, 2025.

New Sec. 6. (a) The governing body of a city that issues, or previously issued, an order making a restriction under this act shall establish, by adoption of an ordinance, a city COVID-19 small business relief fund. The governing body of the city shall designate an officer of the city as the administrator of such fund.

(b) The officer of the city designated as the administrator of such fund shall determine the amount of moneys received by the city on and after January 1, 2021, that are identified as moneys from the federal government for coronavirus relief aid to the city that may be expended at the discretion of the city and are unencumbered. Of such identified moneys, such officer shall determine 35% of such moneys available in city funds. The officer shall certify the amount so determined from each city fund to the governing board of the city and transfer such certified amount from such city funds to the city COVID-19 small business relief fund. At the same time as such certification is transmitted to the governing body of the city, the officer shall transmit a copy of such certification to the director of legislative research and to the attorney general.

(c) Except as provided in subsection (d), unless prohibited by federal law, moneys in the city COVID-19 small business relief fund shall be used only for the purpose of paying relief amounts as authorized by the legislative coordinating council pursuant to section 2, and amendments thereto. Upon receipt of a notification from the legislative coordinating council that relief is to be paid to a claimant by the city from such fund, the city shall pay such relief and provide notice of payment to the legislative coordinating council.

(d) On and after April 1, 2023, any remaining moneys in the city COVID-19 small business relief fund may be used in any manner consistent with state and federal law upon adoption of an ordinance by the governing body of the city. Such ordinance shall abolish the city COVID-19 small business relief fund on December 31, 2024, and all pending or future claims against the fund are hereby declared to be null and void.

(e) The provisions of this section shall expire on January 1, 2025.

New Sec. 7. (a) The provisions of this act are severable. If any portion of the act is declared unconstitutional or invalid, or the application of any portion of the act to any person or circumstance is held unconstitutional or invalid, the invalidity shall not affect

other portions of the act that can be given effect without the invalid portion or application, and the applicability of such other portions of the act to any person or circumstance shall remain valid and enforceable.

(b) The provisions of this section shall expire on January 1, 2025.

New Sec. 8. (a) The legislative post audit committee shall direct the legislative division of post audit to conduct a study of the performance of the board in carrying out the actions required by section 4, and amendments thereto. Such study shall include an analysis of the methods used by the board in making recommendations to the joint committee on special claims against the state.

(b) The study shall include a randomized study of not less than 10% of the total number of claims filed under section 4, and amendments thereto. The study may include information related to the process used by the board to grant or deny reconsideration requests.

(c) The legislative division of post audit shall report to the joint committee on special claims against the state and provide a summary of the findings of such study prior to January 31, 2023.

(d) The provisions of this section shall expire on January 1, 2025.

Sec. 9. K.S.A. 48-933 is hereby amended to read as follows: 48-933. (a) Each person within this state shall act and manage the affairs of such person and such person's property in any way which reasonably will assist and not detract from the ability of the state and the public successfully to meet disasters. This obligation includes appropriate personal service and use or restriction on the use of property during a declared state of disaster emergency under K.S.A. 48-924, and amendments thereto, or a declared state of local disaster emergency under K.S.A. 48-932, and amendments thereto. This act neither increases nor decreases these obligations, but recognizes their existence under the constitution and statutes and the common law of this state. Compensation for services or for the taking or use of property shall be only to the extent that obligations recognized in this subsection are exceeded in a particular case and then only to the extent that the claimant may not be deemed to have volunteered services or property without compensation.

(b) No personal services may be compensated by the state or any subdivision or agency thereof, except pursuant to statute enacted or ordinance duly adopted therefor.

(c) Compensation for property shall be only if the property was commandeered or otherwise used in coping with a disaster and its use or destruction was ordered by the governor, adjutant general, an official of a county, city or interjurisdictional disaster agency, or some other authorized member of the emergency management forces of this state.

(d) Any person claiming compensation for the use, damage, loss or destruction of property under this act shall file a claim therefor in the district court in the same manner as any other civil action. The court shall determine the validity of such claim in the same manner and under the same conditions prescribed for condemnation actions pursuant to K.S.A. 26-501 et seq., and amendments thereto. Unless the amount of compensation on account of property damaged, lost or destroyed is agreed upon by the claimant and the adjutant general, the amount of compensation shall be calculated in the same manner as compensation due for a taking of property pursuant to the condemnation law of this state.

(e) Nothing in this section;

(1) Authorizes compensation for intangible losses occurring during the state of disaster emergency related to the COVID-19 health emergency described in K.S.A. 2020 Supp. 48-924b, and amendments thereto; or

(2) applies to or authorizes compensation for the destruction or damaging of standing timber or other property in order to provide a fire break or for the release of waters or the breach of impoundments in order to reduce pressure or other danger from actual or threatened flood.

Sec. 10. K.S.A. 48-933 is hereby repealed.";

Also on page 20, in line 27, 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 "ACT"; by striking lines 2 through 5; in line 6, by striking all before the period and inserting "enacting the COVID-19 small business relief act; providing funds for impacted small businesses; making and concerning appropriations for the fiscal years ending June 30, 2021, and June 30, 2022, June 30, 2023, and June 30, 2024; authorizing certain transfers and imposing certain limitations; creating the COVID-19 small business relief fund and providing procedures for the administration of such fund by the legislative coordinating council; creating the COVID-19 small business relief claims board and providing for administration of this act by the board with the assistance of the attorney general; requiring certain counties to establish and administer a county COVID-19 small business relief fund and certain cities to establish and administer a city COVID-19 small business relief fund; requiring a study by the legislative division of post audit; prohibiting compensation for intangible losses related to the COVID-19 public health emergency under the Kansas emergency management act; amending K.S.A. 48-933 and repealing the existing section"; And your committee on conference recommends the adoption of this report.

FRED PATTON

BRADLEY RALPH

JOHN CARMICHAEL

*Conferees on part of House*

KELLIE WARREN

RICK WILBORN

DAVID HALEY

*Conferees on part of Senate*

Senator Warren moved the Senate adopt the Conference Committee Report on **H Sub Sub SB 273**.

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

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, O'Shea, Peck, Petersen, Ryckman, Steffen, Straub, Suellentrop, Thompson, Warren, Wilborn.

Nays: Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, McGinn, Olson, Pettey, Pittman, Pyle, Sykes, Ware.

Present and Passing: Baumgardner, Tyson.

The Conference Committee Report was adopted.

**MESSAGE FROM THE HOUSE**

Announcing a line item veto message from the Governor, together with the enrolled copy of **HB 2007**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 75-4209, 75-6702 and 75-6706 and K.S.A. 2020 Supp. 2-223, 12-1775a, 12-5256, 55-193, 65-180, 72-5462, 74-50,107, 74-99b34, 75-2263, 75-6707, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections, received on April 26, 2021 and read on May 3, 2021.

**Message from the Governor**

I want to thank the legislature for working together thoughtfully and expeditiously to pass this budget, which includes many enhancements to the work we began before the pandemic to restore funding through fiscally responsible tax and budget policy. There is still more work to be done, however, this budget includes significant funding to support some of the most vulnerable Kansans, including those in long-term care and those with intellectual disabilities. It also increases access to newborn screening, preventive mental health, and crisis services.

While I support the majority of the provisions in this budget, there are items that have either been resolved in existing legislation or that would be better addressed not in this budget but through better collaboration between agencies and stakeholders. Other provisions tie funding mandates or prohibitions to blanket policies that should be either more narrowly tailored or independently vetted on their own merits through the regular legislative process.

I look forward to working with the legislature to address the critical funding measures that must be passed during Omnibus. These include our constitutional obligation to adequately and equitably fund our K-12 public schools, salary increases for state employees, and restored funding for state agencies whose budgets were reduced as a precautionary measure due to the COVID-19 pandemic.

Therefore, pursuant to Article 2, Section 14(b) of the Constitution of the State of Kansas, I hereby return House Bill 2007 with my signature approving the bill, except for the items enumerated below.

State Bank Commissioner—Per Diem Increase for Kansas Banking Board Members

Section 4(b) has been line-item vetoed in its entirety.

This section would increase the per diem for members of the state banking board from \$35 to \$100 for the 2021 fiscal year, which ends in less than 70 days. The legislature should study this issue over the interim and make recommendations applicable to all boards and commissions. These recommendations should consider the fiscal impact of potential increases.

Legislative Coordinating Council—Room 221-E

Sections 29(d) and 31(a) have been line-item vetoed in their entirety. Additionally, the following portion of section 30(a) has also been vetoed:

Provided further, That notwithstanding the provisions of K.S.A. 75-3765a, and amendments thereto, or any other statute, expenditures shall be made by the above

agency from the legislative coordinating council – operations account of the state general fund for fiscal year 2022 for the designation and identification of room 221-E of the state capitol building as a meditation room.

These sections would designate Room 221-E as the meditation room in the Statehouse. I support legislative efforts to provide a meditation space in one of the many rooms in the Capitol that remain unused for much of the year and are more convenient, more accessible, and closer to the public entrance.

Room 221-E, which is adjacent to the rest of the Governor’s Office and has been designated as part of the Governor’s Office space in the Statehouse, is currently being used by our constituent services team to provide critical assistance to Kansans on unemployment issues, proclamations, questions regarding legislative matters, and other inquiries.

#### Legislative Coordinating Council—Federal Coronavirus Relief Funding

Section 30(c) has been line-item vetoed in its entirety.

This section would require recommendation by the Legislative Budget Committee and approval by the Legislative Coordinating Council before any federal coronavirus relief funds can be spent. The process for allocating federal funds should follow the agreed-upon process of approval through the State Finance Council after recommendation from the SPARK Taskforce. This will ensure that federal funds are allocated with a full understanding of the relevant federal requirements and limitations while receiving input from the private sector through a transparent process. Changing this now will create confusion and slow down the ability to make meaningful investments critical to our economic recovery.

#### Department of Commerce—Public Broadcasting Facility Relocation

Sections 69(j), 70(i), 71(a), and 72(a) have been line-item vetoed in their entirety.

These sections would prohibit any appropriation from the state economic development initiatives fund to a public broadcasting station that moved to a different location or has a plan to move to a different location. It has been brought to my attention that this language was broader than intended. Please work with interested parties to agree to language that is more narrowly tailored.

#### Department for Health and Environment – Division of Health Care Finance

Protected Income Level for the Program of All-Inclusive Care for the Elderly (PACE)

That portion of Section 80(e) that reads as follows has been line-item vetoed:

(2) 300% of federal supplemental security income for any person in Kansas receiving services from a program of all-inclusive care for the elderly administered by the Kansas department of aging and disability services.

This would increase the protected income level for those who are in the PACE program above Kansans who are served under section 1915(c) of the federal Social Security Act. When I signed House Substitute for Senate Bill 25 in 2019, I approved an increase to the protected income level for both groups to \$1,177 per month, which is reflected in rules and regulations. The protected income level should continue to be addressed in a comprehensive manner.

#### Kansas Department for Aging and Disability Services—

##### Moratoriums at State Psychiatric Hospitals

Sections 84(s) and 85(a) have been line-item vetoed in their entirety.

These sections would prohibit the Kansas Department for Aging and Disability Services from making any expenditures that would impose a moratorium on admissions

at any state psychiatric hospital from the effective date of this act through June 30, 2023. It would also require KDADS to lift the moratorium by October 1, 2021, using existing resources.

I have worked with the legislature to include funding in last year's budget for a comprehensive plan to safely and efficiently lift the moratorium. The COVID-19 pandemic delayed certain building activities in that plan, pushing the expected completion date to the beginning of 2022. This proviso simply lifts the moratorium earlier than is possible, without any feasible re-opening plan or funding. This will force the agency to pay higher costs for contract staff and an expedited construction timeline. I am committed to lifting the moratorium, but we should do so in a way that doesn't endanger staff or patients or lead to high one-time costs that can be avoided through a more fiscally responsible approach.

Kansas Department for Aging and Disability Services—

Request for Proposals for the Program of All-Inclusive Care for the Elderly (PACE)

Section 84(t) has been line-item vetoed in its entirety.

This section would require the Kansas Department of Aging and Disability Services to issue a request for proposals from potential providers interested in participating in the PACE program.

If this is a priority for the Legislature, additional funding should be appropriated in the omnibus budget bill to expand the PACE program rather than simply requiring a request for proposals. Given the current language of this proviso, funding for expanding PACE would require an offset in funding from existing resources and initiatives. As a long-time supporter of the PACE program, I understand that it can provide long-term savings, but that should be acknowledged with a comprehensive funding plan that offsets initial costs.

Kansas Department for Aging and Disability Services—Larned State Hospital and Larned Correctional Mental Health Facility Pay Parity

Section 84(w) has been line-item vetoed in its entirety.

This provision would require the Kansas Department for Aging and Disability Services to provide the same starting salary and wages for entry-level positions at Larned State Hospital as are provided at the Larned Correctional Mental Health Facility using existing resources. If this is a priority for the Legislature, the Legislature should appropriate additional funding for the agency to implement higher entry-level salary and wages.

Kansas Department for Children and Families—Hope Ranch Pilot Program

That portion of Section 87(a) that reads as follows has been line-item vetoed:

Provided further, That in addition to other purposes for which expenditures may be made by the above agency from the youth services aid and assistance account for fiscal year 2022, an amount not to exceed \$300,000 shall be expended by the above agency from such account for fiscal year 2022 for the purposes of funding the hope ranch for women pilot program: And provided further, That in addition to other purposes for which expenditures may be made by the above agency from such account for fiscal year 2022, expenditures shall be made by the above agency from such account for fiscal year 2022 for the creation of a report detailing activities conducted during the hope ranch for women pilot program, including the number of women served, the demographics of women served, the client service needs at intake, the length of services, the reasons for any cases closing, the recidivism rate, the client costs and the average project costs, and

a budget itemization report and budget transaction report. And provided further, That the secretary for children and families shall submit such report to the house of representatives committee on social services budget on or before January 31, 2022.

This language would require the Department for Children and Families to provide up to \$300,000 of public funds to the Hope Ranch for Women organization. My administration has a strong record of supporting organizations combating human trafficking through competitive grants and other programs that ensure accountability of public funding. If the Legislature wishes to establish a new program to provide more funding to organizations doing this critical work, it should send a fully vetted piece of legislation to my desk after thorough legislative, stakeholder, and public review.

Kansas State University—Polytechnic Campus

Section 101(a) has been line-item vetoed in its entirety.

This allocation would allocate \$160,080 to the Kansas State University Polytechnic campus with the stated justification that it is intended to reimburse the campus for revenue that was received by the Kansas Public Employees Retirement System from the sale of surplus property under K.S.A. 75-6609(f)(1). If the Legislature wants to create a different distribution formula for proceeds from the sale of surplus real estate, then it should amend the statute to do so for all state agencies and not provide an exception to the statute for the sale of surplus property by one entity. If this is intended to be an enhancement for Kansas State University Polytechnic Campus, then it should apply for such an enhancement through the normal process.

Kansas State University Extension Systems and  
Agricultural Research Programs—4-H Micromanagement

Sections 103(d) and 104(d) have been line-item vetoed in their entirety.

These sections would prohibit any expenditures by Kansas State University or Kansas State University Extension Systems and Agricultural Research Programs that would require participants to wear face coverings or have a COVID-19 vaccination to participate in any 4-H organization, unit, event, or activity. Most children eligible to participate in 4-H are not eligible to receive the COVID-19 vaccine, much less be required to take it. During the pandemic, many involved in 4-H have demonstrated commitment and leadership in protecting the health of their communities and family and we should commend them for their efforts.

Kansas Highway Patrol—Aircraft Trade-In  
and Purchase of Single-Engine Aircraft

Sections 121(a) and 121(f) have been line-item vetoed in their entirety.

This section requires the Kansas Highway Patrol to trade in two aircraft and allows it to purchase one aircraft. My budget provided comprehensive funding for Kansas Highway Patrol aircraft. This section does not. I encourage the Legislature to work with the administration to find comprehensive funding to address this needed enhancement, including the possibility of using one-time federal funding.

Kansas Highway Patrol—Capitol Police and State Troopers Pay Parity

Section 122(h) has been line-item vetoed in its entirety.

This measure would require the Kansas Highway Patrol to make expenditures to provide salary and wage parity between the Capitol Police and State Troopers. We should respect the Kansas Highway Patrol's request to address this issue internally.

Section 140—2% Cut if Performance Based Budget Objectives Are Not Met

Section 140 has been line-item vetoed in its entirety.

This section would implement a complex and unnecessary system for ensuring that state agencies are following K.S.A. 75-3718(b). As the former Ranking Member of the Senate Ways and Means Committee, I know first-hand the importance of making budgeting decisions based on the effectiveness of state programs and services. State Agencies already provide annual performance-based budgets for consideration during the budgeting process. Although steps to continually improve agency data and metrics are important, attaching these efforts to substantial punitive budget cuts are dangerous and counterproductive. I will not sign a provision that would put critical state services like K-12 public schools at risk of a 2% cut. Any individual issues with the quantity or quality of information provided should be addressed internally. I will continue to be committed to ensuring that both the administration and the Legislature have the information needed to make informed budget decisions.

#### Section 141—Prohibiting Expenditures to Issue or Enforce Statewide Mask Mandate

Section 141 has been line-item vetoed in its entirety.

This section would prohibit any expenditures to issue or enforce a statewide mask mandate. This proviso is unnecessary considering the significant changes made to the Kansas Emergency Management Act in Senate Bill 40. There are already enough avenues for the legislature—and even private citizens—to challenge or overturn public health measures such as mask mandates, which reduce the spread of the coronavirus, reduce hospitalizations, and save lives.

#### Section 142—E-verify Provisions

Section 142 has been line-item vetoed in its entirety.

This section would require state agencies and some bidders, contractors, or employers who contract with the state to participate in E-verify beginning in fiscal year 2022 and ending June 30, 2023. Although I welcome policies to help improve oversight and accountability for state operations and contracts, blanket policy changes to the state's administrative processes should be fully vetted by stakeholders, legislators, and the public through the traditional legislative process.

#### Section 143—Unemployment Insurance Modernization

##### Request for Proposal Restrictions

Section 143 has been line-item vetoed in its entirety.

This issue has already been addressed in House Bill 2196, which I signed on the same day that I signed this bill. House Bill 2196 establishes comprehensive oversight measures regarding unemployment system modernization efforts and avoids the undue and harmful delay in modernizing our unemployment insurance system that this section would cause.

#### Kansas Board of Regents—State University Capital Renewal Initiative

Section 163(a) has been line-item vetoed in its entirety.

This section would provide \$10,292,230 for the State University Capital Renewal Initiative. This funding is equivalent to the funding that was included in the budget to be used at the discretion of the Kansas Board of Regents. While I provided discretion to the Board of Regents on the use of this funding, the amount was calculated based on the share that the Regents System would receive if all state employees received a 2.5% salary and wage adjustment and not as a bond service payment on deferred maintenance. Although investments to address infrastructure issues are critically important, this specific state appropriation should be included with pay increases for state employees as intended. The Kansas Board of Regents should utilize federal funds

to pay for deferred maintenance.

A motion was made that, notwithstanding the Governor's objection, the line item veto **Section 30(c)** be reconsidered.

By a vote of 86 Yeas and 38 Nays, the motion having received the required two-thirds constitutional majority vote of the members elected or appointed to the House of Representatives, voting in the affirmative, the line item did pass.

A motion was made that, notwithstanding the Governor's objection, the line item veto **Section 80(e)** be reconsidered.

By a vote of 104 Yeas and 20 Nays, the motion having received the required two-thirds constitutional majority vote of the members elected or appointed to the House of Representatives, voting in the affirmative, the line item did pass.

A motion was made that, notwithstanding the Governor's objection, the line item veto **Section 87(a)** be reconsidered.

By a vote of 84 Yeas and 40 Nays, the motion having received the required two-thirds constitutional majority vote of the members elected or appointed to the House of Representatives, voting in the affirmative, the line item did pass.

A motion was made that, notwithstanding the Governor's objection, the line item veto **Section 163(a)** be reconsidered.

By a vote of 84 Yeas and 40 Nays, the motion having received the required two-thirds constitutional majority vote of the members elected or appointed to the House of Representatives, voting in the affirmative, the line item did pass.

There being no motion on the remaining line items, those vetoes were sustained.

Announcing passage of **SB 158**, as amended by **House Substitute for SB 158**.

Announcing passage of **HB 2056**.

## **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2056** was thereupon introduced and read by title.

## **REFERENCE OF BILLS**

The President referred **HB 2056** to the Committee on Federal and State Affairs.

## **ACTION ON VETO MESSAGE**

Announcing a Message from the House having been received on Friday, May 7, 2021, announcing the House of Representatives has reconsidered four line-item vetoes by the Governor on **HB 2007** and determined that such bill pass notwithstanding those four line-item vetoes, President Masterson announced the time had arrived for reconsideration.

There being no motion offered to reconsider, President Masterson announced the Governor's line item vetoes of **HB 2007** were declared sustained.

**ORIGINAL MOTION**

President Masterson determined **SB 158**, as amended by the House, to be materially changed and referred the bill to the Committee on **Federal and State Affairs**.

**REPORT ON ENROLLED BILLS**

**SB 39**, **SB 47** reported correctly enrolled, properly signed and presented to the Governor on May 7, 2021.

**TRIBUTES**

Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of May 3 through May 7, 2021:

Senator Masterson: commending the State of Kansas Honor 365 honorees;

Senator O'Shea: congratulating Stephen Thomas Reed on achieving the rank of Eagle Scout, congratulating Andrew Christopher Kirmer on achieving the rank of Eagle Scout, congratulating Sean Lucas Tyree on achieving the rank of Eagle Scout, congratulating Adam Ray White on achieving the rank of Eagle Scout, congratulating Andrew Michael Patton on achieving the rank of Eagle Scout, congratulating Santana Manuel Dominguez on achieving the rank of Eagle Scout, congratulating Brendan Eric Huff on achieving the rank of Eagle Scout;

Senator Pittman: congratulating Emily Harris on achieving the rank of Eagle Scout, congratulating Makenna Harris on achieving the rank of Eagle Scout;

Senator Steffen: celebrating Irene Martindell's 100<sup>th</sup> Birthday; and

Senator Holland and Senator Pittman: celebrating Anna Mary Landaur's 103<sup>rd</sup> Birthday.

In accordance with **SCR 1613** and on motion of Senator Alley, the Senate adjourned until 10:00 a.m., Wednesday, May 26, 2021.

# Journal of the Senate

SIXTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, May 26, 2021, 10:00 a.m.

As provided by **SCR 1613**, the Sine Die Session of the regular 2021 Kansas Senate was called to order by Vice President Rick Wilborn.

The roll was called with 39 senators present.

Senator Claeys was excused.

Invocation by Reverend Cecil T. Washington:

The Final Adjournment; The Leave To Go Home!

Romans 13:1-8, Matthew 25:1-13

Lord, as we gather today, we're coming back from a break, and we're looking at the conclusion of this session. Thank You for permitting us to serve, to serve You while serving others. Thanks for bringing us together, even though there were times we didn't appear to be together. Only You could create harmony when facing so many obstacles, so many grounds for discord. Thank You for Your faithfulness, Your patience and Your willingness to look beyond our faults to meet our needs.

As we now look to suspend the events in these halls, we'll turn toward other concerns that need our attention. But keep us mindful that we're not to adjourn from serving or representing You. For You said in Romans 13:1-9, that all authority comes from and is accountable to You, that there is no adjournment from the responsibility to love one another Lord.

The term "Sine Die" comes from the Latin sine, meaning "without" and die, meaning "day." We're coming now to a time of adjournment, without a specified day to come back together. In a like-manner, Lord, we all face a final Sine Die, a final adjournment, looking forward to an unspecified day when You will dismiss us from our labors on this earth and prayerfully we'll be ready to come together with You. In the gospel of Matthew 25:1-13, You give us the parable of 10 that were facing their finish. Only half of them, were ready, ready for You to receive them.

Lord, after all is said and done, when we face our final sine die, we want to be ready! Bring us on home to be with You. I lift this prayer, in the precious Name of Jesus! Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SCR 1614**, **SCR 1615**, **HB 2056**.

Public Health and Welfare: **SB 315**.

**MESSAGES FROM THE GOVERNOR**

**SB 39, SB 47, SB 60, SB 170** approved on May 17, 2021.

**SB 78, SB 238** approved on May 19, 2021.

Enclosed herewith are Executive Directives No. 21-533 and No. 21-534 for your information. (May 11, 2021).

**MESSAGE FROM THE GOVERNOR  
REGARDING VETO OF SENATE BILL 29  
May 20, 2021**

We already know that the solution to provide health care for 165,000 Kansans, bring thousands of jobs to our state, save small businesses money, and inject millions into our economy is to expand Medicaid.

Junk insurance – which does not cover pre-existing conditions or provide consumer protections – is just that: “junk.” Signing this bill would cause more Kansas families to go bankrupt over medical bills. If the Legislature wants to get serious about improving access to health care, they should join 38 other states and the District of Columbia and pass Medicaid expansion. Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Bill 29**.

LAURA KELLY  
*Governor*

**MESSAGE FROM THE GOVERNOR  
REGARDING SENATE BILL 159  
May 21, 2021**

**Senate Bill 159**, this session’s omnibus budget bill, makes many important investments in our state. But as with many omnibus budget bills, not every appropriation included is necessary or appropriate. Therefore, pursuant to Article 2, Section 14(b) of the Constitution of the State of Kansas, I hereby return **Senate Bill 159** with my signature approving the bill, except for the item enumerated below.

**\$500,000 from the State General Fund to the University of Kansas Medical Center for clinical trials on a COVID-19 treatment using MSCTC-0010 cells developed at the Midwest Stem Cell Therapy Center**

Section 46(a) has been line-item vetoed in its entirety.

This section provides \$500,000 to the University of Kansas Medical Center to conduct clinical trials for a COVID-19 treatment using MSCTC-0010 cells developed at the Midwest Stem Cell Therapy Center. During debate on the Senate’s original budget, contained in **Substitute for Senate Bill 267**, an amendment to add this funding was wisely withdrawn. The medical experts who lead the research associated with this proviso have clearly and plainly communicated to the Legislature that such a clinical trial would not be realistic or even feasible given the timeframe and funding provided. A 2018 article in the Journal of the American Medical Association found that the average cost of a clinical trial is \$19 million, with the total cost of developing a new drug closer to \$2 to \$3 billion. Given those realities and the proven effectiveness of COVID-19 vaccines and treatments that are now widely available, we should focus our efforts on increasing the number of Kansans who are vaccinated so that we can prevent infections, severe illnesses, and deaths. We should listen to those with knowledge of how clinical

trials work when they tell us that the proposal outlined in this proviso is unrealistic and unneeded, and we should focus on saving lives by expediting vaccinations for as many Kansans as possible throughout the state.

LAURA KELLY  
*Governor*

**MESSAGE FROM THE GOVERNOR  
REGARDING VETO OF SENATE BILL 273  
May 21, 2021**

The COVID-19 pandemic has presented many challenges for Kansas businesses over the last year, and my administration has been committed to doing all we can to support their continued pandemic recovery efforts through the Strengthening People and Revitalizing Kansas (“SPARK”) Taskforce. The SPARK process brings together business, legislative, and community leaders from across the state to collaborate on data-driven, innovative investments using federal relief dollars. All recovery initiatives should go through the transparent, federally compliant, bipartisan, and efficient process we have already established through the SPARK Taskforce. **SB 273** is well-intentioned, but it violates federal rules for the use of American Rescue Plan Act (“ARPA”) funds that prevent the state from placing conditions or requirements on local governments’ use of ARPA funds.

**SB 273** also fails to comply with federal rules that prohibit using ARPA funds to resolve potential legal claims against state or local governments. I am committed to working with the SPARK Taskforce to develop relief programs that comply with federal requirements to ensure that our economy emerges from this pandemic stronger and more agile than ever. Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Bill 273**.

LAURA KELLY  
*Governor*

**COMMUNICATIONS FROM STATE OFFICERS**

Office of the Attorney General, submitted the FY 2020 annual report of the Crime Victims Compensation Board. (May 3, 2021)

Kansas Department of Revenue submitted the annual report estimating the state tax expenditures from income tax credits claimed and sales tax exemptions allowed under the Kansas Enterprise Zone Act. (May 4, 2021)

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **S Sub HB 2313**.

Announcing the House herewith transmits a veto message from the Governor on **HB 2039**, AN ACT concerning education; relating to courses of instruction; requiring a civics examination and a personal financial literacy course for high school graduation; amending K.S.A. 72-3217 and 72-3236 and repealing the existing sections, which was received on April 22, 2021 and was read before the House on May 3, 2021 with the following message:

“The Kansas Constitution endows our state Board of Education with the authority to set the curriculum for our public schools. We should let the state Board of Education do

that job, not the Legislature. This is legislative overreach. Should the Legislature wish to modify curriculum, I encourage the Legislature to collaborate with the State Board of Education.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **House Bill 2039.**”

There being no motion to reconsider **HB 2039**, the Speaker ruled the veto sustained.

Announcing the House herewith transmits a veto message from the Governor on **Substitute HB 2089**, AN ACT concerning education; relating to firearms; standardizing firearm safety education training programs in school districts; establishing the Roy'Alé act., which was received on April 22, 2021 and was read before the House on May 3, 2021 with the following message:

“The Kansas Constitution endows our state Board of Education with the authority to set the curriculum for our public schools. We should let the state Board of Education do that job, not the Legislature. This is legislative overreach. Should the Legislature wish to modify curriculum, I encourage the Legislature to collaborate with the State Board of Education.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto House Bill 2089.”

There being no motion to reconsider **Substitute HB 2089**, the Speaker ruled the veto sustained.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1616—

By Senators Masterson and Wilborn

A CONCURRENT RESOLUTION urging the Governor of the State of Kansas to end Federal Pandemic Unemployment Compensation to ensure that businesses do not have to compete with the federal government in attempts to fill thousands of open positions.

WHEREAS, Kansas continues to operate three federal pandemic-related unemployment programs, including weekly Federal Pandemic Unemployment Compensation, in addition to benefits provided by the state's traditional unemployment insurance program, with the original justification for these expansions being that individuals needed additional benefits because of the COVID-19 pandemic, and those individuals could not work; and

WHEREAS, The economy of the State of Kansas has now dramatically recovered from the COVID-19 pandemic as evidenced by the 3.5 % unemployment rate, which is lower than the state's average unemployment rate from 2016 to 2019, according to the U.S. Bureau of Labor Statistics, and at least 73,000 open jobs are currently available in the state; and

WHEREAS, Employers are struggling to find workers to fill these jobs as a result of the disincentive created by government benefits that, including unemployment benefits, currently total \$44,756 on an annualized basis, while the median wage in Kansas is \$38,667; and

WHEREAS, In 2019, the maximum allowed duration of unemployment benefits was

16 weeks, while the Kansas Department of Labor reports that individuals can now receive unemployment benefits for up to 79 weeks; and

WHEREAS, Governor Kelly's administration has instructed Kansas unemployment recipients to answer "yes" when asked if they looked for work, even if they have not looked for work, discouraging employment while promoting deceptive conduct; and

WHEREAS, Fraud is now pervasive in the unemployment compensation program as a result of program expansions, with one in four claims being identified or reported as fraudulent in 2020 according to the Kansas Legislative Division of Post Audit, resulting in Kansas paying out more than \$600 million in fraudulent claims this past year; and

WHEREAS, It is well within this state's prerogative to end its participation in federal pandemic-related unemployment programs, with appropriate notice to the U.S. Department of Labor, as 23 other states have done as of May 26, 2021: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the State of Kansas urges the Governor of the State of Kansas to help Kansas businesses attract and retain the employees they desperately need, spur further economic recovery and growth in Kansas and immediately give formal notice to the U.S. Department of Labor that Kansas will be withdrawing from participation in all federal pandemic-related unemployment benefits programs; and

*Be it further resolved:* That the Secretary of State shall send an enrolled copy of this resolution to the chairperson of the Legislative Coordinating Council.

#### **ORIGINAL MOTION**

President Masterson moved to advance **SCR 1616** to final action, subject to amendment, debate, and roll call. Motion carried.

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

**SCR 1616**, A CONCURRENT RESOLUTION urging the Governor of the State of Kansas to end Federal Pandemic Unemployment Compensation to ensure that businesses do not have to compete with the federal government in attempts to fill thousands of open positions.

On roll call, the vote was: Yeas 27; Nays 11; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Present and Passing: Petersen.

Absent or Not Voting: Claeys.

The resolution was adopted.

#### **ACTIONS ON VETO MESSAGE**

The veto message having been read, Senator Gossage moved to override the Governor's veto on **SB 29**.

**SB 29**, AN ACT concerning insurance; relating to risk-based capital requirements; updating the version of instructions in effect; amending K.S.A. 2020 Supp. 40-2c01 and repealing the existing section.

On roll call, the vote was: Yeas 28; Nays 11; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Absent or Not Voting: Claeys.

A two thirds constitutional majority having voted in favor of overriding the Governor's veto, the motion passed and the veto was overridden.

There being no motion offered to reconsider the Governor's veto action on **H Sub Sub SB 273** and line-item veto on **SB 159**, Section 46(a), President Masterson announced the Governor's vetoes sustained.

#### REPORT ON ENROLLED BILLS

**SB 60, SB 170** reported correctly enrolled, properly signed and presented to the Governor on May 11, 2021.

**SB 29, H Sub SB 78, SB 159, Sub SB 238, H Sub Sub SB 273** reported correctly enrolled, properly signed and presented to the Governor on May 14, 2021.

**SCR 1616** reported correctly enrolled, properly signed and presented to the Secretary of State on May 26, 2021.

As provided by **SCR 1613**, Senator Alley moved the Senate adjourn Sine Die.

President Masterson thereupon announced: "By virtue of the authority vested in me as President of the Senate, I now declare the 2021 Session of the Kansas Senate adjourned Sine Die."

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*




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#### MESSAGE FROM THE HOUSE

Announcing the House herewith transmits certificate of action by the House of Representatives on **SB 29**, AN ACT concerning insurance; relating to health insurance; providing for short-term, limited-duration health plans; amending K.S.A. 2020 Supp. 40-2,193 and repealing the existing section.

The veto message from the Governor having been received, a motion was made that not withstanding the Governor's objection to **SB 29**, the bill be passed. By a vote of 67 Yeas and 48 Nays, the motion not having receive the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill did not pass and the veto was sustained.

Announcing adoption of **SCR 1616**.

**CAUCUS REPORT**

**Majority Party Caucus  
May 26, 2021**

The office of Majority Leader was declared vacant following an April 9, 2021 meeting and vote of the majority party caucus. The Senators of the majority party of the Senate have met and elected the following officers:

Caucus/Party Officers:

Majority Leader: Larry Alley

Assistant Majority Leader: Renee Erickson

TY MASTERSON  
*Chairperson*











SHORT TITLE AND HISTORY  
OF  
SENATE BILLS,  
SENATE RESOLUTIONS  
AND  
EXECUTIVE REORGANIZATION ORDERS

(SJ & HJ Nos. refer to 2021 Senate and House Journals)  
(1411)



## TITLE AND HISTORY OF SENATE BILLS

- S 1** Bill by Senator McGinn  
**Authorizing the state fair board to use moneys in the state fair capital improvements fund for general operations for fiscal years 2021 and 2022.**  
 01/11/2021 Senate—Prefiled for Introduction on Tuesday, December 8, 2020  
 01/11/2021 Senate—Introduced—SJ 28  
 01/12/2021 Senate—Referred to Committee on Ways and Means—SJ 41  
 01/21/2021 Senate—Hearing: Tuesday, January 26, 2021, 10:30 AM Room 548-S  
 01/28/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Ways and Means—SJ 121  
 02/04/2021 Senate—Consent Calendar Passed Yea: 37 Nay: 0—SJ 150  
 02/05/2021 House—Received and Introduced—HJ 174  
 02/08/2021 House—Referred to Committee on Appropriations—HJ 178  
 02/10/2021 House—Hearing: Wednesday, February 17, 2021, 9:00 AM Room 112-N
- S 2** Bill by Senator McGinn  
**Allowing consumption of beer and wine on the Kansas state fairgrounds and crediting a portion of moneys collected from the liquor enforcement tax to the state fair capital improvements fund.**  
 01/11/2021 Senate—Prefiled for Introduction on Thursday, December 10, 2020  
 01/11/2021 Senate—Introduced—SJ 28  
 01/12/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 41  
 02/17/2021 Senate—Hearing: Thursday, February 25, 2021, 10:30 AM Room 144-S  
 03/12/2021 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 330  
 03/23/2021 Senate—Committee of the Whole - Be passed—SJ 393  
 03/24/2021 Senate—Final Action - Passed; Yea: 31 Nay: 8  
 03/25/2021 House—Received and Introduced—HJ 550  
 03/26/2021 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 572
- S 3** Bill by Joint Corrections and Juvenile Justice Oversight  
**Creating a drug abuse treatment program for people on diversion and allowing county and district attorneys to enter into agreements with chief judges and community corrections for supervision.**  
 01/11/2021 Senate—Prefiled for Introduction on Thursday, December 31, 2020  
 01/11/2021 Senate—Introduced—SJ 28  
 01/12/2021 Senate—Referred to Committee on Judiciary—SJ 41  
 01/19/2021 Senate—Hearing: Tuesday, January 26, 2021, 10:30 AM Room 346-S
- S 4** Bill by Joint Corrections and Juvenile Justice Oversight  
**Authorizing court services and community corrections officers to issue an identification certificate for use to obtain a replacement driver's license; increasing the criminal penalties for riot and incitement to riot in a correctional facility; modifying the criminal penalties for tampering with electronic monitoring equipment; clarifying supervision of offenders participating in the certified drug abuse treatment program; and authorizing the sentencing commission to determine risk levels for participation in the certified drug abuse**

**treatment program.**

- 01/11/2021 Senate—Prefiled for Introduction on Thursday, December 31, 2020  
 01/11/2021 Senate—Introduced—SJ 28  
 01/12/2021 Senate—Referred to Committee on Judiciary—SJ 41  
 01/19/2021 Senate—Hearing: Wednesday, January 27, 2021, 10:30 AM Room 346-S  
 02/04/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 153  
 02/11/2021 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 204  
 02/12/2021 House—Received and Introduced—HJ 224  
 02/15/2021 House—Referred to Committee on Judiciary—HJ 229  
 03/10/2021 House—Hearing: Tuesday, March 16, 2021, 3:30 PM Room 582-N  
 03/25/2021 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 563  
 03/31/2021 House—Stricken from Calendar by Rule 1507—HJ 647

S 5

Bill by Joint Corrections and Juvenile Justice Oversight

**Aligning the felony loss thresholds for certain property crimes with theft.**

- 01/11/2021 Senate—Prefiled for Introduction on Thursday, December 31, 2020  
 01/11/2021 Senate—Introduced—SJ 28  
 01/12/2021 Senate—Referred to Committee on Judiciary—SJ 41  
 01/19/2021 Senate—Hearing: Wednesday, January 27, 2021, 10:30 AM Room 346-S

S 6

Bill by Joint Corrections and Juvenile Justice Oversight

**Counting any crime with a domestic violence designation as a prior conviction under domestic battery.**

- 01/11/2021 Senate—Prefiled for Introduction on Thursday, December 31, 2020  
 01/11/2021 Senate—Introduced—SJ 28  
 01/12/2021 Senate—Referred to Committee on Judiciary—SJ 41  
 01/19/2021 Senate—Hearing: Wednesday, January 27, 2021, 10:30 AM Room 346-S

S 7

Bill by Joint Corrections and Juvenile Justice Oversight

**Extending terminal medical release to inmates in the custody of the department of corrections with a condition likely to cause death within 120 days.**

- 01/11/2021 Senate—Prefiled for Introduction on Thursday, December 31, 2020  
 01/11/2021 Senate—Introduced—SJ 29  
 01/12/2021 Senate—Referred to Committee on Judiciary—SJ 41  
 01/19/2021 Senate—Hearing: Tuesday, January 26, 2021, 10:30 AM Room 346-S

S 8

Bill by Joint Corrections and Juvenile Justice Oversight

**Increasing good time and program credits for certain offenders.**

- 01/11/2021 Senate—Prefiled for Introduction on Thursday, December 31, 2020  
 01/11/2021 Senate—Introduced—SJ 29  
 01/12/2021 Senate—Referred to Committee on Judiciary—SJ 41  
 01/19/2021 Senate—Hearing: Tuesday, January 26, 2021, 10:30 AM Room 346-S  
 02/17/2021 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 217  
 03/30/2021 Senate—Motion to strike from Calendar adopted;—SJ 479

S 9

Bill by Senator Faust-Goudeau

**Requiring newly certified law enforcement officers to attend diversity meetings organized by the Kansas commission on peace officers' standards and**

- training.**
- 01/11/2021 Senate—Prefiled for Introduction on Wednesday, January 6, 2021  
 01/11/2021 Senate—Introduced—SJ 29  
 01/12/2021 Senate—Referred to Committee on Judiciary—SJ 41
- S 10** Bill by Senators Hilderbrand, Fagg, Steffen, Straub, Thompson, Wilborn  
**Enacting the right to earn a living act to minimize unnecessary occupational licensing and regulation.**
- 01/11/2021 Senate—Prefiled for Introduction on Wednesday, January 6, 2021  
 01/11/2021 Senate—Introduced—SJ 29  
 01/12/2021 Senate—Referred to Committee on Commerce—SJ 41  
 01/20/2021 Senate—Hearing: Wednesday, January 27, 2021, 10:30 AM Room 546-S
- S 11** Bill by Senators Hilderbrand, Baumgardner, Claeys, Erickson, Fagg, Kloos, Peck, Steffen, Straub, Thompson, Wilborn  
**Prohibiting the altering or backdating of the postmarks of advance mail ballots.**
- 01/11/2021 Senate—Prefiled for Introduction on Wednesday, January 6, 2021  
 01/11/2021 Senate—Introduced—SJ 29  
 01/12/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 41  
 02/17/2021 Senate—Hearing: Tuesday, February 23, 2021, 10:30 AM Room 144-S
- S 12** Bill by Senator Faust-Goudeau  
**Requiring the Kansas department for children and families to implement performance-based contracts.**
- 01/11/2021 Senate—Prefiled for Introduction on Thursday, January 7, 2021  
 01/11/2021 Senate—Introduced—SJ 29  
 01/12/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 41  
 01/27/2021 Senate—Hearing: Wednesday, February 3, 2021, 8:30 AM Room 142-S
- S 13** Bill by Senators Tyson, Alley, Baumgardner, Erickson, Fagg, Hilderbrand, Kerschen, Longbine, Peck, Steffen, Thompson, Warren  
**Establishing notice and public hearing requirements prior to approval by a governing body to exceed its revenue neutral rate for property tax purposes and discontinuing the city and county tax lid, prohibiting valuation increase of real property solely as the result of normal repair, replacement or maintenance of existing structure, establishing a payment plan for the payment of delinquent or nondelinquent property taxes and establishing the taxpayer notification costs fund.**
- 01/11/2021 Senate—Prefiled for Introduction on Friday, January 8, 2021  
 01/11/2021 Senate—Introduced—SJ 29  
 01/11/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 38  
 01/11/2021 Senate—Hearing: Tuesday, January 12, 2021, 9:30 AM Room 548-S  
 01/13/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 45  
 01/14/2021 Senate—Committee of the Whole - Be passed as amended—SJ 48  
 01/14/2021 Senate—Emergency Final Action - Passed as amended; Yea: 34 Nay: 1  
 01/15/2021 House—Received and Introduced—HJ 79  
 01/19/2021 House—Referred to Committee on Taxation—HJ 82  
 01/20/2021 House—Hearing: Tuesday, January 26, 2021, 3:30 PM Room 346-S  
 02/15/2021 House—Committee Report recommending bill be passed as amended by Committee on Taxation—HJ 229  
 03/04/2021 House—Committee of the Whole - Be passed as amended—HJ 446

- 03/04/2021 House—Emergency Final Action - Passed as amended; Yea: 120 Nay: 3  
 03/11/2021 Senate—Concurred with amendments; Yea: 30 Nay: 5—SJ 327  
 03/16/2021 Senate—Enrolled and presented to Governor on Tuesday, March 16, 2021—SJ 360  
 03/29/2021 Senate—Approved by Governor on Friday, March 26, 2021—SJ 436
- S 14** Bill by Judiciary  
**Extending certain provisions of the governmental response to the COVID-19 pandemic in Kansas and providing certain relief related to health, welfare, property and economic security during this public health emergency.**
- 01/11/2021 Senate—Introduced—SJ 29  
 01/11/2021 Senate—Referred to Committee on Judiciary—SJ 38  
 01/11/2021 Senate—Hearing: Tuesday, January 12, 2021, 10:30 AM Room 346-S  
 01/11/2021 Senate—Hearing continuation: Wednesday, January 13, 2021, 10:30 AM Room 346-S  
 01/13/2021 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 45  
 01/14/2021 Senate—Committee of the Whole - Enacting clause be stricken Yea: 5 Nay: 31—SJ 48  
 01/14/2021 Senate—Committee of the Whole - Be passed—SJ 48  
 01/14/2021 Senate—Emergency Final Action - Passed; Yea: 34 Nay: 1  
 01/15/2021 House—Received and Introduced—HJ 79  
 01/15/2021 House—Referred to Committee on Judiciary—HJ 79  
 01/15/2021 House—Hearing: Tuesday, January 19, 2021, 3:30 PM Room 582-N  
 01/20/2021 House—Withdrawn from Committee on Judiciary and referred to Committee of the Whole—HJ 84  
 01/21/2021 House—Committee of the Whole - Be passed—HJ 95  
 01/21/2021 House—Emergency Final Action - Passed; Yea: 119 Nay: 3—HJ 97  
 01/25/2021 Senate—Enrolled and presented to Governor on Monday, January 25, 2021—SJ 92  
 01/25/2021 Senate—Approved by Governor on Monday, January 25, 2021—SJ 92
- S 15** Bill by Financial Institutions  
**Enacting the Kansas economic recovery loan deposit program, updating field of membership requirements of credit unions and allowing privilege tax deductions on agricultural real estate loans and single family residence loans.**
- 01/12/2021 Senate—Introduced—SJ 39  
 01/13/2021 Senate—Referred to Committee on Financial Institutions—SJ 45  
 01/21/2021 Senate—Hearing: Thursday, January 21, 2021, 9:30 AM Room 546-S  
 01/28/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions—SJ 121  
 02/01/2021 Senate—Committee of the Whole - Be passed as further amended—SJ 131  
 02/01/2021 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0  
 02/02/2021 House—Received and Introduced—HJ 157  
 02/03/2021 House—Referred to Committee on Financial Institutions and Rural Development—HJ 161  
 02/03/2021 House—Hearing: Monday, February 8, 2021, 9:00 AM Room 218-N  
 02/10/2021 House—Committee Report recommending bill be passed by Committee on Financial Institutions and Rural Development—HJ 203

(SJ & HJ Nos. refer to 2021 Senate and House Journals)

- 02/11/2021 House—Committee of the Whole - Be passed—HJ 213  
 02/11/2021 House—Emergency Final Action - Passed; Yea: 122 Nay: 1  
 02/18/2021 Senate—Enrolled and presented to Governor on Wednesday, February 17, 2021—SJ 213
- S 16** 02/26/2021 Senate—Approved by Governor on Thursday, February 25, 2021  
 Bill by Legislative Post Audit Committee  
**Removing the requirement that certain entities submit certain reports to the division of post audit.**  
 01/12/2021 Senate—Introduced—SJ 39  
 01/13/2021 Senate—Referred to Committee on Ways and Means—SJ 45  
 01/22/2021 Senate—Hearing: Wednesday, January 27, 2021, 10:30 AM Room 548-S  
 01/28/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Ways and Means—SJ 121  
 02/04/2021 Senate—Consent Calendar Passed Yea: 37 Nay: 0—SJ 150  
 02/05/2021 House—Received and Introduced—HJ 174  
 02/08/2021 House—Referred to Committee on Appropriations—HJ 178  
 02/10/2021 House—Hearing: Thursday, February 18, 2021, 9:00 AM Room 112-N  
 03/25/2021 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Appropriations—HJ 562  
 04/06/2021 House—Final Action - Passed; Yea: 117 Nay: 0—HJ 650  
 04/09/2021 Senate—Enrolled and presented to Governor on Friday, April 9, 2021—SJ 1092
- S 17** 05/03/2021 Senate—Approved by Governor on Friday, April 16, 2021—SJ 1095  
 Bill by Legislative Post Audit Committee  
**Prohibiting a public agency from charging a fee under the open records act for records requested for an audit by the legislative division of post audit.**  
 01/12/2021 Senate—Introduced—SJ 39  
 01/13/2021 Senate—Referred to Committee on Transparency and Ethics—SJ 45  
 01/21/2021 Senate—Hearing: Wednesday, January 27, 2021, 9:30 AM Room 142-S
- S 18** Bill by Transportation  
**Permitting United States and NATO country military surplus vehicles to register with the division of vehicles for road use.**  
 01/12/2021 Senate—Introduced—SJ 39  
 01/13/2021 Senate—Referred to Committee on Transportation—SJ 45  
 01/21/2021 Senate—Hearing: Thursday, January 28, 2021, 8:30 AM Room 546-S
- S 19** Bill by Transportation  
**Designating a portion of United States highway 77 as the CPL Allen E Oatney and SP4 Gene A Myers memorial highway.**  
 01/12/2021 Senate—Introduced—SJ 39  
 01/13/2021 Senate—Referred to Committee on Transportation—SJ 45  
 02/17/2021 Senate—Hearing: Wednesday, February 24, 2021, 8:30 AM Room 546-S  
 02/25/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 251  
 03/02/2021 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 269  
 03/02/2021 House—Received and Introduced—HJ 357  
 03/03/2021 House—Hearing: Wednesday, March 10, 2021, 1:30 PM Room 582-N  
 03/03/2021 House—Referred to Committee on Transportation—HJ 361
- S 20** Bill by Transportation

**Designating a portion of United States highway 69 as the Senator Dennis Wilson Memorial Highway.**

01/12/2021 Senate—Introduced—SJ 39  
 01/13/2021 Senate—Referred to Committee on Transportation—SJ 45  
 02/10/2021 Senate—Hearing: Thursday, February 18, 2021, 8:30 AM Room 546-S  
 02/23/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 242  
 03/01/2021 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 260  
 03/02/2021 House—Received and Introduced—HJ 336  
 03/03/2021 House—Referred to Committee on Transportation—HJ 361

S 21

Bill by Assessment and Taxation

**Approving election for sales tax authority for Cherokee county.**

01/12/2021 Senate—Introduced—SJ 39  
 01/13/2021 Senate—Hearing: Thursday, January 21, 2021, 9:30 AM Room 548-S  
 01/13/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 45  
 01/26/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Assessment and Taxation—SJ 109  
 02/01/2021 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 131  
 02/02/2021 House—Received and Introduced—HJ 157  
 02/03/2021 House—Referred to Committee on Taxation—HJ 161  
 02/16/2021 House—Hearing: Thursday, February 18, 2021, 3:30 PM Room 346-S  
 02/24/2021 House—Committee Report recommending bill be passed by Committee on Taxation—HJ 290  
 03/04/2021 House—Committee of the Whole - Be passed as amended—HJ 449  
 03/04/2021 House—Emergency Final Action - Passed as amended; Yea: 119 Nay: 4  
 03/18/2021 Senate—Concurred with amendments; Yea: 34 Nay: 1—SJ 374  
 03/23/2021 Senate—Enrolled and presented to Governor on Tuesday, March 23, 2021—SJ 395  
 03/31/2021 Senate—Approved by Governor on Tuesday, March 30, 2021—SJ 551

S 22

Bill by Assessment and Taxation

**Providing income tax modifications for global intangible low-taxed income, business interest, capital contributions, FDIC premiums, business meals, payment protection program loans and expenses, social security benefits and amounts received from employer-sponsored retirement plans, expanding the expense deduction availability to income tax taxpayers and calculating the deduction amount, allowing an individual to itemize deductions in Kansas despite not itemizing on their federal return, exempting from income compensation attributable to identity fraud and increasing the Kansas standard deduction.**

01/12/2021 Senate—Introduced—SJ 39  
 01/12/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 41  
 01/12/2021 Senate—Hearing: Wednesday, January 13, 2021, 9:30 AM Room 548-S  
 02/04/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 152  
 02/09/2021 Senate—Motion by Senator Pyle to divide the question into three parts.—SJ 165  
 02/09/2021 Senate—Part 1 was adopted. Yea: 36 Nay: 1—SJ 166  
 02/09/2021 Senate—Part 2 was adopted. Yea: 29 Nay: 0—SJ 166  
 02/09/2021 Senate—Part 3 was rejected. Yea: 1 Nay: 21—SJ 166

- 02/09/2021 Senate—Motion by Senator Tyson to divide the question into four parts.  
—SJ 189
- 02/09/2021 Senate—Part 1 was rejected. Yea: 11 Nay: 26—SJ 189
- 02/09/2021 Senate—Part 2 was rejected. Yea: 5 Nay: 27—SJ 190
- 02/09/2021 Senate—Part 3 was adopted. Yea: 38 Nay: 0—SJ 190
- 02/09/2021 Senate—Part 4 was rejected. Yea: 9 Nay: 28—SJ 190
- 02/09/2021 Senate—Committee of the Whole - Be passed as further amended—SJ 191
- 02/09/2021 Senate—Emergency Final Action - Passed as amended; Yea: 24 Nay: 15
- 02/10/2021 House—Received and Introduced—HJ 192
- 02/11/2021 House—Referred to Committee on Taxation—HJ 212
- 03/15/2021 House—Hearing: Wednesday, March 17, 2021, 3:30 PM Room 346-S
- S 23** Bill by Assessment and Taxation  
**Providing for abatement of property tax for certain buildings or improvements destroyed or substantially destroyed by natural disaster.**
- 01/13/2021 Senate—Introduced—SJ 44
- 01/14/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 47
- 01/14/2021 Senate—Hearing: Thursday, January 21, 2021, 9:30 AM Room 548-S
- 01/27/2021 Senate—Hearing: Tuesday, February 2, 2021, 9:30 AM Room 548-S
- 02/25/2021 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 251
- 03/02/2021 Senate—Committee of the Whole - Be passed—SJ 276
- 03/03/2021 Senate—Final Action - Passed; Yea: 38 Nay: 1
- 03/03/2021 House—Received and Introduced—HJ 431
- 03/04/2021 House—Referred to Committee on Taxation—HJ 432
- S 24** Bill by Utilities  
**Prohibiting municipalities from imposing restrictions on customer's use of energy based upon source of energy.**
- 01/13/2021 Senate—Introduced—SJ 44
- 01/14/2021 Senate—Referred to Committee on Utilities—SJ 47
- 01/14/2021 Senate—Hearing: Thursday, January 21, 2021, 1:30 PM Room 548-S
- 01/20/2021 Senate—Hearing: Tuesday, January 26, 2021, 1:30 PM Room 548-S
- 01/21/2021 Senate—Hearing: (neutral) Wednesday, January 27, 2021, 1:30 PM Room 548-S
- 01/21/2021 Senate—Hearing: (opponents) Wednesday, January 27, 2021, 1:30 PM Room 548-S
- 01/21/2021 Senate—Hearing: (proponents) Tuesday, January 26, 2021, 1:30 PM Room 548-S
- 02/02/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Utilities—SJ 138
- 02/04/2021 Senate—Committee of the Whole - Be passed as amended—SJ 148
- 02/04/2021 Senate—Emergency Final Action - Passed as amended; Yea: 27 Nay: 10
- 02/05/2021 House—Received and Introduced—HJ 174
- 02/08/2021 House—Referred to Committee on Energy, Utilities and Telecommunications—HJ 178
- 02/10/2021 House—Hearing: Thursday, February 18, 2021, 9:00 AM Room 582-N
- 03/10/2021 House—Hearing: Tuesday, March 16, 2021, 9:00 AM Room 582-N
- 03/18/2021 House—Committee Report recommending bill be passed as amended by Committee on Energy, Utilities and Telecommunications—HJ 510
- 03/23/2021 House—Committee of the Whole - Be passed as amended—HJ 526

(SJ & HJ Nos. refer to 2021 Senate and House Journals)

- 03/24/2021 House—Final Action - Passed as amended; Yea: 93 Nay: 29  
 03/25/2021 Senate—Concurred with amendments; Yea: 30 Nay: 10—SJ 415  
 03/30/2021 Senate—Enrolled and presented to Governor on Tuesday, March 30, 2021—SJ 549  
 04/09/2021 Senate—Will become law without Governor's signature—SJ 1092
- S 25** Bill by Transportation  
**Prohibiting the use of a mobile telephone while operating in school or road construction zone or by individuals less than 18 years of age.**  
 01/13/2021 Senate—Introduced—SJ 44  
 01/14/2021 Senate—Referred to Committee on Transportation—SJ 47  
 01/22/2021 Senate—Hearing: Wednesday, January 27, 2021, 8:30 AM Room 546-S  
 02/08/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 159  
 03/30/2021 Senate—Motion to strike from Calendar adopted;—SJ 479
- S 26** Bill by Transportation  
**House Substitute for SB 26 by Committee on Transportation - Updating motor carrier laws and the regulation of motor carriers by the state corporation commission.**  
 01/13/2021 Senate—Introduced—SJ 45  
 01/14/2021 Senate—Referred to Committee on Transportation—SJ 47  
 02/10/2021 Senate—Hearing: Thursday, February 18, 2021, 8:30 AM Room 546-S  
 02/23/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 242  
 03/01/2021 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 261  
 03/02/2021 House—Received and Introduced—HJ 336  
 03/03/2021 House—Hearing: Wednesday, March 10, 2021, 1:30 PM Room 582-N  
 03/03/2021 House—Referred to Committee on Transportation—HJ 361  
 03/17/2021 House—Committee Report recommending substitute bill be passed by Committee on Transportation—HJ 501  
 03/22/2021 House—Committee of the Whole - Substitute bill be passed—HJ 517  
 03/23/2021 House—Final Action - Substitute passed; Yea: 123 Nay: 0  
 03/23/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Petersen, Senator Claeys and Senator Hawk as conferees—SJ 391  
 03/24/2021 House—Motion to accede adopted; Representative Proehl, Representative Delperdang and Representative Helgeson appointed as conferees—HJ 533  
 04/08/2021 House—Conference Committee Report was adopted; Yea: 123 Nay: 0—HJ 698  
 04/08/2021 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 663  
 05/03/2021 Senate—Enrolled and presented to Governor on Friday, April 16, 2021—SJ 1106  
 05/03/2021 Senate—Approved by Governor on Wednesday, April 21, 2021—SJ 1095
- S 27** Bill by Federal and State Affairs  
**Amending the Kansas storage tank act to extend the sunsets of certain funds and to increase certain liability and reimbursement amounts.**  
 01/13/2021 Senate—Introduced—SJ 45  
 01/14/2021 Senate—Referred to Committee on Agriculture and Natural Resources

—SJ 47

01/15/2021 Senate—Hearing: Tuesday, January 19, 2021, 8:30 AM Room 144-S  
 01/19/2021 Senate—Hearing: Thursday, January 21, 2021, 8:30 AM Room 144-S  
 01/21/2021 Senate—Committee Report recommending bill be passed by Committee on Agriculture and Natural Resources—SJ 65  
 02/01/2021 Senate—Committee of the Whole - Be passed—SJ 131  
 02/01/2021 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 132  
 02/02/2021 House—Received and Introduced—HJ 157  
 02/03/2021 House—Referred to Committee on Agriculture—HJ 161  
 02/05/2021 House—Hearing: Thursday, February 11, 2021, 3:30 PM Room 112-N  
 02/10/2021 House—Hearing: Tuesday, February 16, 2021, 3:30 PM Room 112-N  
 02/18/2021 House—Committee Report recommending bill be passed by Committee on Agriculture—HJ 251  
 02/23/2021 House—Committee of the Whole - Be passed—HJ 275  
 02/24/2021 House—Final Action - Passed;  
 03/01/2021 Senate—Enrolled and presented to Governor on Monday, March 1, 2021—SJ 268  
 03/04/2021 Senate—Approved by Governor on Wednesday, March 3, 2021—SJ 317

**S 28**

Bill by Insurance

**Updating the national association of insurance commissioners credit for reinsurance model law, the insurance holding company act and codifying the credit for reinsurance model regulation.**

01/14/2021 Senate—Introduced—SJ 47  
 01/15/2021 Senate—Referred to Committee on Insurance—SJ 51  
 01/21/2021 Senate—Hearing: Wednesday, January 27, 2021, 9:30 AM Room 546-S  
 01/29/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Insurance—SJ 122  
 02/01/2021 Senate—Committee of the Whole - Be passed as amended—SJ 131  
 02/01/2021 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0  
 02/02/2021 House—Received and Introduced—HJ 157  
 02/03/2021 House—Referred to Committee on Insurance and Pensions—HJ 161  
 03/10/2021 House—Hearing: Monday, March 15, 2021, 3:30 PM Room 218-N

**S 29**

Bill by Insurance

**Providing for short-term, limited-duration health plans.**

01/14/2021 Senate—Introduced—SJ 47  
 01/15/2021 Senate—Referred to Committee on Insurance—SJ 51  
 01/21/2021 Senate—Hearing: Tuesday, January 26, 2021, 9:30 AM Room 546-S  
 01/28/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Insurance—SJ 121  
 02/01/2021 Senate—Committee of the Whole - Be passed as amended—SJ 131  
 02/01/2021 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0  
 02/02/2021 House—Received and Introduced—HJ 157  
 02/03/2021 House—Referred to Committee on Insurance and Pensions—HJ 161  
 02/10/2021 House—Hearing: Wednesday, February 17, 2021, 3:30 PM Room 218-N  
 02/23/2021 House—Committee Report recommending bill be passed as amended by Committee on Insurance and Pensions—HJ 277  
 02/25/2021 House—Committee of the Whole - Be passed as amended—HJ 298  
 02/25/2021 House—Emergency Final Action - Passed as amended; Yea: 124 Nay: 0

(SJ & HJ Nos. refer to 2021 Senate and House Journals)

- 02/25/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Longbine, Senator Peck and Senator Holscher as conferees—SJ 250
- 03/01/2021 House—Motion to accede adopted; Representative S. Johnson, Representative Croft and Representative Neighbor appointed as conferees—HJ 322
- 05/06/2021 House—Conference Committee Report agree to disagree adopted; Representative S. Johnson, Representative Croft and Representative Neighbor appointed as second conferees—HJ 1399
- 05/06/2021 Senate—Conference Committee Report agree to disagree adopted; Senator Longbine, Senator Peck and Senator Holscher appointed as second conferees—SJ 1257
- 05/07/2021 House—Substitute motion to not adopt and appoint a conference committee failed—HJ 1424
- 05/07/2021 House—Conference Committee Report was adopted; Yea: 68 Nay: 51—HJ 1424
- 05/07/2021 Senate—Conference Committee Report was adopted; Yea: 29 Nay: 11—SJ 1261
- 05/26/2021 Senate—Enrolled and presented to Governor on Friday, May 14, 2021
- 05/26/2021 Senate—Vetoed by Governor; Returned to Senate on Thursday, May 20, 2021
- 05/26/2021 Senate—Motion to override veto prevailed; Yea: 28 Nay: 11
- 05/26/2021 House—Motion to override veto failed; Veto sustained; Yea: 67 Nay: 48—HJ 1547

**S 30**

Bill by Insurance

**Establishing the securities act victim restitution program.**

- 01/14/2021 Senate—Introduced—SJ 47
- 01/15/2021 Senate—Referred to Committee on Insurance—SJ 51
- 01/21/2021 Senate—Hearing: Tuesday, January 26, 2021, 9:30 AM Room 546-S
- 01/29/2021 Senate—Withdrawn from Committee on Insurance; Referred to Committee on Financial Institutions and Insurance
- 02/01/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 134
- 02/18/2021 Senate—Withdrawn from Calendar; Referred to Committee on Financial Institutions and Insurance—SJ 224

**S 31**

Bill by Education

**Excluding U.S.D. No. 207, Fort Leavenworth and virtual school students from the capital improvements state aid determination.**

- 01/14/2021 Senate—Introduced—SJ 47
- 01/15/2021 Senate—Referred to Committee on Education—SJ 51
- 02/17/2021 Senate—Hearing: Wednesday, February 24, 2021, 1:30 PM Room 144-S
- 02/26/2021 Senate—Committee Report recommending bill be passed by Committee on Education—SJ 253
- 03/30/2021 Senate—Motion to strike from Calendar adopted;—SJ 479

**S 32**

Bill by Education

**Authorizing school districts to pay the tuition for a student's dual or concurrent enrollment in a postsecondary educational institution and requiring a tuition waiver for foster children who are dually or concurrently enrolled.**

- 01/14/2021 Senate—Introduced—SJ 47  
 01/15/2021 Senate—Referred to Committee on Education—SJ 51  
 01/22/2021 Senate—Hearing: Wednesday, January 27, 2021, 1:30 PM Room 144-S  
 02/03/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 140  
 02/09/2021 Senate—Committee of the Whole - Be passed as amended—SJ 164  
 02/09/2021 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0  
 02/10/2021 House—Received and Introduced—HJ 192  
 02/11/2021 House—Referred to Committee on Education—HJ 212  
 03/10/2021 House—Hearing: Wednesday, March 17, 2021, 1:30 PM Room 218-N  
 03/29/2021 House—Committee Report recommending bill be passed as amended by Committee on Education—HJ 603  
 03/31/2021 House—Withdrawn from Calendar; Referred to Committee on Appropriations—HJ 646
- S 33** Bill by Transportation  
**Providing for transportation**  
**Providing for display show licenses under the vehicle dealers and manufacturers licensing act.**  
 01/14/2021 Senate—Introduced—SJ 47  
 01/15/2021 Senate—Referred to Committee on Transportation—SJ 51  
 01/21/2021 Senate—Hearing: Friday, January 22, 2021, 8:30 AM Room 546-S  
 01/26/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 109  
 02/01/2021 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 131  
 02/02/2021 House—Received and Introduced—HJ 157  
 02/03/2021 House—Referred to Committee on Transportation—HJ 161  
 02/18/2021 House—Hearing: Tuesday, February 23, 2021, 1:30 PM Room 582-N  
 02/25/2021 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 312  
 03/01/2021 House—Committee of the Whole - Be passed—HJ 323  
 03/02/2021 House—Final Action - Passed; Yea: 124 Nay: 0—HJ 352  
 03/05/2021 Senate—Enrolled and presented to Governor on Friday, March 5, 2021—SJ 320  
 03/11/2021 Senate—Approved by Governor on Thursday, March 11, 2021—SJ 326
- S 34** Bill by Federal and State Affairs  
**Sunsetting administrative rules and regulations five years after adoption unless extended by the legislature.**  
 01/14/2021 Senate—Introduced—SJ 47  
 01/15/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 51  
 01/21/2021 Senate—Hearing: Tuesday, January 26, 2021, 10:30 AM Room 144-S
- S 35** Bill by Federal and State Affairs  
**Removing the option of extension of the time for receipt of advance mail ballots after the third day following an election.**  
 01/14/2021 Senate—Introduced—SJ 47  
 01/15/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 51  
 01/21/2021 Senate—Hearing: Tuesday, January 26, 2021, 10:30 AM Room 144-S  
 01/26/2021 Senate—Hearing: Thursday, January 28, 2021, 10:30 AM Room 144-S
- S 36** Bill by Transportation  
**Requiring the Kansas highway patrol to make multiple vehicle checks within a set time period for certain salvage vehicle pools and allowing salvage vehicle pools and dealers to apply for ownership documents for**

**vehicles that are disclaimed by insurance companies, prohibiting the towing vehicles outside the state of Kansas without prior consent, requiring an interstate search of registered owners and lienholders prior to sale of vehicles less than 15 years old and requiring publication in the newspaper seven days prior to sale of vehicles and property at auction.**

- 01/15/2021 Senate—Introduced—SJ 51  
 01/19/2021 Senate—Referred to Committee on Transportation—SJ 53  
 01/21/2021 Senate—Hearing: Monday, January 25, 2021, 8:30 AM Room 546-S  
 02/04/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 153  
 02/09/2021 Senate—Committee of the Whole - Be passed as amended—SJ 164  
 02/09/2021 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0  
 02/10/2021 House—Received and Introduced—HJ 192  
 02/11/2021 House—Referred to Committee on Transportation—HJ 212  
 02/17/2021 House—Hearing: Tuesday, February 23, 2021, 1:30 PM Room 582-N  
 03/22/2021 House—Committee Report recommending bill be passed as amended by Committee on Transportation—HJ 518  
 03/23/2021 House—Committee of the Whole - Be passed as amended—HJ 525  
 03/24/2021 House—Final Action - Passed as amended; Yea: 116 Nay: 6  
 03/24/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Petersen, Senator Claeys and Senator Hawk as conferees—SJ 399  
 03/25/2021 House—Motion to accede adopted; Representative Proehl, Representative Delperdang and Representative Helgeson appointed as conferees—HJ 550  
 04/08/2021 House—Conference Committee Report was adopted; Yea: 118 Nay: 4—HJ 671  
 04/08/2021 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 638  
 05/03/2021 Senate—Enrolled and presented to Governor on Friday, April 16, 2021—SJ 1106  
 05/03/2021 Senate—Approved by Governor on Wednesday, April 21, 2021—SJ 1095

S 37

Bill by Insurance

**Updating producer licensing statutes pertaining to appointment, examinations, fees, licensing, renewal dates, continuing education, suspension, revocation and denial of licensure and reinstatement.**

- 01/21/2021 Senate—Introduced—SJ 55  
 01/22/2021 Senate—Referred to Committee on Insurance—SJ 68  
 01/27/2021 Senate—Hearing: Tuesday, February 2, 2021, 9:30 AM Room 546-S  
 01/29/2021 Senate—Withdrawn from Committee on Insurance; Referred to Committee on Financial Institutions and Insurance  
 02/25/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 251  
 03/04/2021 Senate—Withdrawn from Calendar; Referred to Committee on Federal and State Affairs—SJ 317  
 03/05/2021 Senate—Withdrawn from Committee on Federal and State Affairs and re-referred to Committee of the Whole—SJ 320  
 03/17/2021 Senate—Committee of the Whole - Be passed as further amended—SJ

(SJ & HJ Nos. refer to 2021 Senate and House Journals)

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- 03/17/2021 Senate—Emergency Final Action - Passed as amended; Yea: 31 Nay: 6  
 03/19/2021 House—Received and Introduced—HJ 514  
 03/19/2021 House—Hearing: Monday, March 22, 2021, 3:30 PM Room 218-N  
 03/22/2021 House—Referred to Committee on Insurance and Pensions—HJ 515  
 03/23/2021 House—Committee Report recommending bill be passed by Committee on Insurance and Pensions—HJ 529  
 03/24/2021 House—Committee of the Whole - Be passed—HJ 540  
 03/25/2021 House—Final Action - Passed; Yea: 109 Nay: 13  
 03/30/2021 Senate—Enrolled and presented to Governor on Tuesday, March 30, 2021—SJ 549  
 04/06/2021 Senate—Approved by Governor on Monday, April 5, 2021—SJ 574
- S 38** Bill by Agriculture and Natural Resources  
**Establishing the Kansas pesticide waste disposal program and implementing the provisions of 2011 executive reorganization order No. 40 relating to the Kansas department of agriculture's division of conservation.**
- 01/21/2021 Senate—Introduced—SJ 56  
 01/22/2021 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 68  
 01/22/2021 Senate—Hearing: Tuesday, January 26, 2021, 8:30 AM Room 144-S  
 02/01/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—SJ 134  
 02/04/2021 Senate—Committee of the Whole - Be passed as amended—SJ 148  
 02/04/2021 Senate—Emergency Final Action - Passed as amended; Yea: 35 Nay: 2  
 02/05/2021 House—Received and Introduced—HJ 174  
 02/08/2021 House—Referred to Committee on Agriculture—HJ 178  
 03/17/2021 House—Hearing: Monday, March 22, 2021, 3:30 PM Room 112-N  
 03/24/2021 House—Committee Report recommending bill be passed as amended by Committee on Agriculture—HJ 540  
 03/25/2021 House—Committee of the Whole - Be passed as amended—HJ 556  
 03/25/2021 House—Emergency Final Action - Passed as amended; Yea: 121 Nay: 1  
 04/06/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Kerschen, Senator Straub and Senator Ware as conferees—SJ 575  
 04/06/2021 House—Motion to accede adopted; Representative Rahjes, Representative Smith, E. and Representative Carlin appointed as conferees—HJ 652  
 04/08/2021 House—Conference Committee Report was adopted; Yea: 120 Nay: 3—HJ 703  
 04/08/2021 Senate—Conference Committee Report was adopted; Yea: 37 Nay: 2—SJ 668  
 05/03/2021 Senate—Enrolled and presented to Governor on Friday, April 16, 2021—SJ 1106  
 05/03/2021 Senate—Approved by Governor on Wednesday, April 21, 2021—SJ
- S 39** Bill by Agriculture and Natural Resources  
**Changing Kansas department of agriculture division of animal health license, permit and registration renewal deadlines and allowing the animal health commissioner to recover the actual cost of official calfhood vaccination tags.**
- 01/21/2021 Senate—Introduced—SJ 56

(SJ &amp; HJ Nos. refer to 2021 Senate and House Journals)

- 01/22/2021 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 68
- 01/22/2021 Senate—Hearing: Wednesday, January 27, 2021, 8:30 AM Room 144-S
- 01/28/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Agriculture and Natural Resources—SJ 121
- 02/04/2021 Senate—Consent Calendar Passed Yea: 36 Nay: 1—SJ 150
- 02/05/2021 House—Received and Introduced—HJ 174
- 02/08/2021 House—Referred to Committee on Agriculture—HJ 178
- 02/10/2021 House—Hearing: Thursday, February 18, 2021, 3:30 PM Room 112-N
- 02/23/2021 House—Committee Report recommending bill be passed by Committee on Agriculture—HJ 276
- 02/25/2021 House—Committee of the Whole - Be passed as amended—HJ 298
- 02/25/2021 House—Emergency Final Action - Passed as amended; Yea: 117 Nay: 7
- 02/25/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Kerschen, Senator Straub and Senator Ware as conferees—SJ 250
- 03/01/2021 House—Motion to accede adopted; Representative Rahjes, Representative Smith, E. and Representative Carlin appointed as conferees—HJ 323
- 05/05/2021 Senate—Concurred with amendments in conference; Yea: 35 Nay: 5—SJ 1253
- 05/07/2021 Senate—Enrolled and presented to Governor on Friday, May 7, 2021—SJ 1400
- 05/26/2021 Senate—Approved by Governor on Monday, May 17, 2021
- S 40** Bill by Agriculture and Natural Resources
- Prescribing powers, duties and functions of the board of education of each school district, the governing body of each community college and the governing body of each technical college related to the COVID-19 health emergency, adding the vice president of the senate to the legislative coordinating council, modifying the procedure for the declaration and extension of a state of disaster emergency under the Kansas emergency management act, prohibiting certain actions by the governor related to the COVID-19 health emergency and revoking all executive orders related to such emergency on March 31, 2021, establishing judicial review for certain executive orders issued during a state of disaster emergency and certain actions taken by a local unit of government during a state of local disaster emergency, authorizing the legislature or the legislative coordinating council to revoke certain orders issued by the secretary of health and environment and limiting powers granted to local health officers related to certain orders.**
- 01/21/2021 Senate—Introduced—SJ 56
- 01/22/2021 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 68
- 01/22/2021 Senate—Hearing: Wednesday, January 27, 2021, 8:30 AM Room 144-S
- 01/28/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—SJ 121
- 02/04/2021 Senate—Committee of the Whole - Be passed as further amended—SJ 148
- 02/04/2021 Senate—Emergency Final Action - Passed as amended; Yea: 37 Nay: 0

(SJ & HJ Nos. refer to 2021 Senate and House Journals)

- 02/05/2021 House—Received and Introduced—HJ 174
- 02/08/2021 House—Referred to Committee on Agriculture—HJ 178
- 02/10/2021 House—Hearing: Thursday, February 18, 2021, 3:30 PM Room 112-N
- 02/23/2021 House—Committee Report recommending bill be passed by Committee on Agriculture—HJ 276
- 02/25/2021 House—Committee of the Whole - Be passed as amended—HJ 298
- 02/25/2021 House—Emergency Final Action - Passed as amended; Yea: 123 Nay: 1
- 02/25/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Kerschen, Senator Straub and Senator Ware as conferees—SJ 250
- 03/01/2021 House—Motion to accede adopted; Representative Rahjes, Representative Smith, E. and Representative Carlin appointed as conferees—HJ 323
- 03/03/2021 Senate—Senator Warren, Senator Wilborn, and Senator Corson are appointed to replace Senator Kerschen, Senator Straub, and Senator Ware on the Conference Committee—SJ 307
- 03/03/2021 House—Representative Patton, Representative Ralph, and Representative Carmichael are appointed to replace Representative Rahjes, Representative Smith, E., and Representative Carlin on the Conference Committee—HJ 431
- 03/10/2021 Senate—Senator Thompson is appointed to replace Senator Wilborn on the Conference Committee—SJ 324
- 03/12/2021 Senate—Senator Wilborn is appointed to replace Senator Thompson on the Conference Committee—SJ 330
- 03/16/2021 House—Conference Committee Report was adopted; Yea: 118 Nay: 5—HJ 488
- 03/16/2021 Senate—Conference Committee Report was adopted; Yea: 31 Nay: 8—SJ 334
- 03/18/2021 Senate—Enrolled and presented to Governor on Thursday, March 18, 2021—SJ 381
- 03/25/2021 Senate—Approved by Governor on Wednesday, March 24, 2021—SJ 410
- S 41** Bill by Federal and State Affairs  
**Establishing a \$100 maximum out-of-pocket cost-share per month per covered person for prescription insulin drugs.**
- 01/21/2021 Senate—Introduced—SJ 56
- 01/22/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 68
- S 42** Bill by Federal and State Affairs  
**Concerning the study and investigation of maternal deaths in the state of Kansas.**
- 01/21/2021 Senate—Introduced—SJ 56
- 01/22/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 68
- S 43** Bill by Education  
**Substitute for SB 43 by Committee on Education - Creating the Kansas promise scholarship act to provide postsecondary educational scholarships for certain two-year associate degree programs, career and technical education certificates and other stand-alone programs.**
- 01/21/2021 Senate—Introduced—SJ 56
- 01/22/2021 Senate—Referred to Committee on Education—SJ 68
- 02/23/2021 Senate—Committee Report recommending substitute bill be passed by

- Committee on Education—SJ 242  
 03/30/2021 Senate—Motion to strike from Calendar adopted;—SJ 479
- S 44 Bill by Education  
**Expanding the low-income family postsecondary savings accounts incentive program to include military servicemembers and veterans and allowing contributions by charitable organizations.**  
 01/21/2021 Senate—Introduced—SJ 56  
 01/22/2021 Senate—Referred to Committee on Ways and Means—SJ 68  
 01/22/2021 Senate—Withdrawn from Committee on Ways and Means; Referred to Committee on Education—SJ 70
- S 45 Bill by Senator Holland  
**Providing for abatement of property tax for certain buildings or improvements destroyed or substantially destroyed by natural disaster.**  
 01/21/2021 Senate—Introduced—SJ 56  
 01/22/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 68
- S 46 Bill by Assessment and Taxation  
**Providing a Kansas income tax subtraction modification for certain amounts received under employer-sponsored retirement plans.**  
 01/21/2021 Senate—Introduced—SJ 56  
 01/22/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 68  
 01/27/2021 Senate—Hearing: Tuesday, February 2, 2021, 9:30 AM Room 548-S  
 02/26/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 252
- S 47 Bill by Assessment and Taxation  
**Enacting the Kansas taxpayer protection act requiring the signature and tax identification number of paid tax return preparers on income tax returns and authorizing actions to enjoin paid tax return preparers from engaging in certain conduct, exempting compensation attributable as a result of identity fraud, extending the dates when corporate returns are required to be filed, providing conformity with the federal return due date for returns other than corporate returns, providing a temporary withholding option for certain teleworking employees, establishing the Eisenhower foundation contribution credit and the friends of cedar crest association contribution credit, extending the time period and expanding eligibility for the single city port authority credit, extending the time period for eligibility in the loan repayment program and income tax credit related to rural opportunity zones and defining rural opportunity zone on the basis of population.**  
 01/21/2021 Senate—Introduced—SJ 56  
 01/22/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 68  
 01/22/2021 Senate—Hearing: Tuesday, January 26, 2021, 9:30 AM Room 548-S  
 01/26/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Assessment and Taxation—SJ 109  
 02/01/2021 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 132  
 02/02/2021 House—Received and Introduced—HJ 157  
 02/03/2021 House—Referred to Committee on Taxation—HJ 161  
 02/05/2021 House—Hearing: Monday, February 8, 2021, 3:30 PM Room 346-S  
 02/22/2021 House—Committee Report recommending bill be passed by Committee on Taxation—HJ 272

(SJ & HJ Nos. refer to 2021 Senate and House Journals)

- 03/04/2021 House—Committee of the Whole - Be passed as amended—HJ 445  
 03/04/2021 House—Emergency Final Action - Passed as amended; Yea: 115 Nay: 8  
 03/10/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Tyson, Senator Alley and Senator Holland as conferees—SJ 324  
 03/15/2021 House—Motion to accede adopted; Representative Smith, A., Representative Mason and Representative Gartner appointed as conferees—HJ 468  
 05/04/2021 House—Conference Committee Report was adopted; Yea: 107 Nay: 14—HJ 1296  
 05/05/2021 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 1171  
 05/07/2021 Senate—Enrolled and presented to Governor on Friday, May 7, 2021—SJ 1400  
 05/26/2021 Senate—Approved by Governor on Monday, May 17, 2021
- S 48** Bill by Senator Sykes  
**Requiring certain insurance coverage for diagnostic examinations for breast cancer.**  
 01/21/2021 Senate—Introduced—SJ 56  
 01/22/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 68  
 01/22/2021 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Insurance—SJ 70  
 01/27/2021 Senate—Hearing: Wednesday, February 3, 2021, 9:30 AM Room 546-S  
 01/29/2021 Senate—Withdrawn from Committee on Insurance; Referred to Committee on Financial Institutions and Insurance
- S 49** Bill by Assessment and Taxation  
**House Substitute for SB 49 by Committee on Taxation - Authorizing continuation of the 20 mill statewide property tax levy for schools and the exemption of a portion of residential property from such levy.**  
 01/21/2021 Senate—Introduced—SJ 57  
 01/22/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 68  
 01/22/2021 Senate—Hearing: Tuesday, January 26, 2021, 9:30 AM Room 548-S  
 02/11/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 206  
 02/18/2021 Senate—Committee of the Whole - Be passed as amended—SJ 220  
 02/18/2021 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 0  
 02/22/2021 House—Received and Introduced—HJ 260  
 02/23/2021 House—Referred to Committee on Taxation—HJ 275  
 03/11/2021 House—Hearing: Thursday, March 18, 2021, 3:30 PM Room 346-S  
 03/29/2021 House—Committee Report recommending substitute bill be passed by Committee on Taxation—HJ 611
- S 50** Bill by Assessment and Taxation  
**Requiring marketplace facilitators to collect and remit sales, compensating use and transient guest taxes and prepaid wireless 911 fees, removing clickthrough nexus provisions, providing for addition and subtraction modifications for the treatment of global intangible low-taxed income, business interest, capital contributions, FDIC premiums and business meals, expanding the expense deduction for income taxpayers and calculating the deduction amount, providing the ability to elect to itemize for individuals, providing an exemption of unemployment**

**compensation income attributable as a result of identity fraud, removing the line for reporting compensating use tax from individual tax returns, extending the dates when corporate tax returns are required to be filed, increasing the Kansas standard deduction and providing for an extension of the corporate net operating loss carryforward period.**

- 01/21/2021 Senate—Introduced—SJ 57  
 01/22/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 68  
 01/27/2021 Senate—Hearing: Wednesday, February 3, 2021, 9:30 AM Room 548-S  
 02/26/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 252  
 03/11/2021 Senate—Committee of the Whole - Be passed as amended—SJ 327  
 03/11/2021 Senate—Emergency Final Action - Passed as amended; Yea: 35 Nay: 3  
 03/15/2021 House—Received and Introduced—HJ 468  
 03/16/2021 House—Referred to Committee on Taxation—HJ 470  
 03/26/2021 House—Committee Report recommending bill be passed as amended by Committee on Taxation—HJ 575  
 03/29/2021 House—Committee of the Whole - Be passed as amended—HJ 602  
 03/30/2021 House—Final Action - Passed as amended; Yea: 81 Nay: 43—HJ 621  
 03/30/2021 Senate—Concurred with amendments; Yea: 30 Nay: 10—SJ 487  
 04/06/2021 Senate—Enrolled and presented to Governor on Tuesday, April 6, 2021—SJ 613  
 05/03/2021 Senate—Vetoed by Governor; Returned to Senate on Friday, April 16, 2021—SJ 1096  
 05/03/2021 Senate—Motion to override veto prevailed; Yea: 30 Nay: 10—SJ 1098  
 05/03/2021 House—Motion to override veto prevailed; Yea: 84 Nay: 39—HJ 1273

S 51

Bill by Education

**Requiring the state department of education and the department for children and families to publish a Kansas foster care children academic report card.**

- 01/21/2021 Senate—Introduced—SJ 57  
 01/22/2021 Senate—Referred to Committee on Education—SJ 68  
 01/27/2021 Senate—Hearing: Wednesday, February 3, 2021, 1:30 PM Room 144-S  
 02/23/2021 Senate—Committee Report recommending bill be passed by Committee on Education—SJ 242  
 03/01/2021 Senate—Committee of the Whole - Be passed—SJ 259  
 03/02/2021 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 270  
 03/02/2021 House—Received and Introduced—HJ 357  
 03/03/2021 House—Referred to Committee on Education—HJ 361  
 03/23/2021 House—Hearing: Wednesday, March 24, 2021, 1:30 PM Room 218-N  
 03/25/2021 House—Committee Report recommending bill be passed by Committee on Education—HJ 562  
 03/31/2021 House—Withdrawn from Calendar; Referred to Committee on Appropriations—HJ 646

S 52

Bill by Ways and Means

**Creating the Sedgwick county urban area nuisance abatement act.**

- 01/21/2021 Senate—Introduced—SJ 57  
 01/22/2021 Senate—Referred to Committee on Local Government—SJ 68  
 01/22/2021 Senate—Hearing: Tuesday, January 26, 2021, 9:30 AM Room 142-S  
 01/27/2021 Senate—Hearing continuation: Thursday, January 28, 2021, 9:30 AM

Room 142-S

- 02/08/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Local Government—SJ 159
- 02/17/2021 Senate—Committee of the Whole - Be passed as amended—SJ 216
- 02/18/2021 Senate—Final Action - Passed as amended; Yea: 29 Nay: 9—SJ 221
- 02/22/2021 House—Received and Introduced—HJ 260
- 02/23/2021 House—Referred to Committee on Local Government—HJ 275
- 03/10/2021 House—Hearing: Wednesday, March 17, 2021, 9:00 AM Room 281-N
- 03/24/2021 House—Committee Report recommending bill be passed by Committee on Local Government—HJ 546
- 03/25/2021 House—Committee of the Whole - Be passed—HJ 556
- 03/25/2021 House—Emergency Final Action - Passed; Yea: 80 Nay: 42
- 03/30/2021 Senate—Enrolled and presented to Governor on Tuesday, March 30, 2021—SJ 549

S 53

04/09/2021 Senate—Approved by Governor on Friday, April 9, 2021—SJ 1092  
Bill by Ways and Means

**Establishing the membership of the Sedgwick county charter commission which, if created, will review and recommend changes regarding the structure of county government.**

- 01/21/2021 Senate—Introduced—SJ 57
- 01/22/2021 Senate—Referred to Committee on Local Government—SJ 68
- 01/22/2021 Senate—Hearing: Tuesday, January 26, 2021, 9:30 AM Room 142-S
- 01/26/2021 Senate—Hearing continuation: Thursday, January 28, 2021, 9:30 AM Room 142-S
- 01/28/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Local Government—SJ 121
- 02/04/2021 Senate—Consent Calendar Passed Yea: 37 Nay: 0—SJ 150
- 02/05/2021 House—Received and Introduced—HJ 174
- 02/08/2021 House—Referred to Committee on Local Government—HJ 178
- 03/10/2021 House—Hearing: Wednesday, March 17, 2021, 9:00 AM Room 281-N
- 03/24/2021 House—Committee Report recommending bill be passed by Committee on Local Government—HJ 546

S 54

Bill by Ways and Means

**Authorizing judges to extend protection from abuse orders for more reasons and tolling time when subject of the order is in prison.**

- 01/21/2021 Senate—Introduced—SJ 57
- 01/22/2021 Senate—Referred to Committee on Judiciary—SJ 68

S 55

Bill by Education

**Creating the fairness in women's sports act to require that female student athletic teams only include members who are biologically female.**

- 01/21/2021 Senate—Introduced—SJ 57
- 01/22/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 68
- 01/22/2021 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Education—SJ 70
- 01/26/2021 Senate—Hearing: Thursday, January 28, 2021, 1:30 PM Room 144-S
- 02/02/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Education—SJ 138
- 02/09/2021 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 194
- 02/10/2021 House—Received and Introduced—HJ 192
- 02/11/2021 House—Referred to Committee on Health and Human Services—HJ

212

- 02/24/2021 House—Withdrawn from Committee on Health and Human Services; Referred to Committee on Education—HJ 280
- 03/05/2021 House—Hearing: Thursday, March 11, 2021, 1:30 PM Room 218-N
- 03/18/2021 House—Committee Report recommending bill be passed as amended by Committee on Education—HJ 509
- 03/23/2021 House—Committee of the Whole - Be passed as amended—HJ 525
- 03/24/2021 House—Final Action - Passed as amended; Yea: 122 Nay: 0
- 03/24/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Baumgardner, Senator Erickson and Senator Sykes as conferees—SJ 399
- 04/06/2021 House—Motion to accede adopted; Representative Williams, Representative Huebert and Representative Stogsdill appointed as conferees—HJ 652
- 04/08/2021 House—Conference Committee Report agree to disagree adopted; Representative Williams, Representative Huebert and Representative Stogsdill appointed as second conferees Yea: 75 Nay: 42—HJ 694
- 04/08/2021 Senate—Conference Committee Report agree to disagree adopted; Senator Baumgardner, Senator Erickson and Senator Sykes appointed as second conferees—SJ 636
- 04/08/2021 House—Substitute motion to not adopt and appoint a conference committee failed—HJ 806
- 04/08/2021 House—Conference Committee Report was adopted; Yea: 76 Nay: 43—HJ 806
- 04/09/2021 Senate—Conference Committee Report was adopted; Yea: 26 Nay: 11—SJ 753
- 05/03/2021 Senate—Enrolled and presented to Governor on Friday, April 16, 2021—SJ 1106
- 05/03/2021 Senate—Vetoed by Governor; Returned to Senate on Thursday, April 22, 2021—SJ 1096
- 05/03/2021 Senate—Motion to override veto failed; Veto sustained; Yea: 26 Nay: 14—SJ 1098

S 56

Bill by Judiciary

**Requiring posting of a human trafficking awareness notice approved by the attorney general in certain businesses and public places.**

- 01/21/2021 Senate—Introduced—SJ 57
- 01/22/2021 Senate—Referred to Committee on Judiciary—SJ 68
- 01/27/2021 Senate—Hearing: Tuesday, February 2, 2021, 10:30 AM Room 346-S
- 02/04/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 153
- 02/11/2021 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 205
- 02/12/2021 House—Received and Introduced—HJ 224
- 02/15/2021 House—Referred to Committee on Judiciary—HJ 229
- 03/17/2021 House—Hearing: Monday, March 22, 2021, 3:30 PM Room 582-N
- 03/24/2021 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 546
- 03/31/2021 House—Stricken from Calendar by Rule 1507—HJ 647

S 57

Bill by Judiciary

**Suspending statutory speedy trial rights until May 1, 2024, in all criminal cases filed prior to the effective date of this act and eliminating such rights**

(SJ & HJ Nos. refer to 2021 Senate and House Journals)

**in any criminal case filed on or after the effective date of this act.**

- 01/21/2021 Senate—Introduced—SJ 57  
 01/22/2021 Senate—Referred to Committee on Judiciary—SJ 68  
 01/27/2021 Senate—Hearing: Thursday, February 4, 2021, 10:30 AM Room 346-S  
 02/04/2021 Senate—Hearing continuation: Friday, February 5, 2021, 10:30 AM Room 346-S  
 02/19/2021 Senate—Hearing: Tuesday, February 23, 2021, 10:30 AM Room 346-S  
 02/23/2021 Senate—Hearing continuation: Tuesday, February 23, 2021, 10:35 AM Room 346-S  
 03/04/2021 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 317  
 03/05/2021 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Judiciary—SJ 320

S 58

Bill by Judiciary

**Prohibiting the filing of certain liens or claims against real or personal property and providing for criminal penalties.**

- 01/21/2021 Senate—Introduced—SJ 57  
 01/22/2021 Senate—Referred to Committee on Judiciary—SJ 68  
 01/27/2021 Senate—Hearing: Wednesday, February 3, 2021, 10:30 AM Room 346-S  
 02/04/2021 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 153  
 02/09/2021 Senate—Committee of the Whole - Be passed—SJ 164  
 02/09/2021 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0  
 02/10/2021 House—Received and Introduced—HJ 192  
 02/11/2021 House—Referred to Committee on Judiciary—HJ 212  
 03/10/2021 House—Hearing: Monday, March 15, 2021, 3:30 PM Room 582-N  
 03/22/2021 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 517  
 03/24/2021 House—Committee of the Whole - Be passed as amended—HJ 540  
 03/25/2021 House—Final Action - Passed as amended; Yea: 122 Nay: 0  
 03/25/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Warren, Senator Wilborn and Senator Haley as conferees—SJ 415  
 03/29/2021 House—Motion to accede adopted; Representative Patton, Representative Ralph and Representative Carmichael appointed as conferees—HJ 595  
 05/03/2021 Senate—Senator Corson is appointed to replace Senator Haley on the Conference Committee—SJ 1104  
 05/06/2021 Senate—Senator Alley, Senator Claeys, and Senator Holland are appointed to replace Senator Warren, Senator Wilborn, and Senator Corson on the Conference Committee—SJ 1257  
 05/06/2021 Senate—Senator Tyson and Senator Alley are appointed to replace Senator Alley and Senator Claeys on the Conference Committee—SJ 1258  
 05/07/2021 Senate—Senator Warren, Senator Wilborn, and Senator Haley are appointed to replace Senator Tyson, Senator Alley, and Senator Holland on the Conference Committee—SJ 1261

S 59

Bill by Judiciary

**Modifying the crimes of selling sexual relations, promoting the sale of sexual relations and buying sexual relations by changing terminology from**

(SJ &amp; HJ Nos. refer to 2021 Senate and House Journals)

**"sexual relations" to "a sex act."**

- 01/21/2021 Senate—Introduced—SJ 57  
 01/22/2021 Senate—Referred to Committee on Judiciary—SJ 68  
 01/27/2021 Senate—Hearing: Tuesday, February 2, 2021, 10:30 AM Room 346-S  
 02/04/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 153  
 02/11/2021 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 202  
 03/30/2021 Senate—Motion to strike from Calendar adopted;—SJ 479

S 60

Bill by Insurance

**Creating the crime of sexual extortion and requiring an offender to register under the Kansas offender registration act, prohibiting a court from requiring psychiatric or psychological examinations of an alleged victim of any crime, increasing criminal penalties for fleeing or attempting to elude a police officer when operating a stolen vehicle, committing certain driving violations or causing a collision involving another driver, defining proximate result for purposes of determining when a crime is committed partly within this state, removing the spousal exception from the crime of sexual battery and making fleeing or attempting to elude a police officer evidence of intent to commit theft of a vehicle.**

- 01/22/2021 Senate—Introduced—SJ 68  
 01/25/2021 Senate—Referred to Committee on Insurance  
 01/25/2021 Senate—Withdrawn from Committee on Insurance; Referred to Committee on Judiciary—SJ 92  
 01/27/2021 Senate—Hearing: Wednesday, February 3, 2021, 10:30 AM Room 346-S  
 02/11/2021 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 206  
 02/17/2021 Senate—Committee of the Whole - Be passed as amended—SJ 216  
 02/18/2021 Senate—Final Action - Passed; Yea: 38 Nay: 0  
 02/19/2021 House—Received and Introduced—HJ 257  
 02/22/2021 House—Referred to Committee on Judiciary—HJ 260  
 03/10/2021 House—Hearing: Monday, March 15, 2021, 3:30 PM Room 582-N  
 03/25/2021 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 569  
 03/29/2021 House—Committee of the Whole - Be passed as amended—HJ 611  
 03/30/2021 House—Final Action - Passed as amended; Yea: 113 Nay: 11—HJ 623  
 03/30/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Warren, Senator Wilborn and Senator Haley as conferees—SJ 486  
 04/06/2021 House—Motion to accede adopted; Representative Patton, Representative Ralph and Representative Carmichael appointed as conferees—HJ 650  
 05/04/2021 House—Conference Committee Report was adopted; Yea: 118 Nay: 3—HJ 1282  
 05/05/2021 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 1185  
 05/26/2021 Senate—Enrolled and presented to Governor on Tuesday, May 11, 2021  
 05/26/2021 Senate—Approved by Governor on Monday, May 17, 2021

(SJ &amp; HJ Nos. refer to 2021 Senate and House Journals)

- S 61** Bill by Education  
**Amending the tax credit for low income students scholarship program act to expand student eligibility.**  
 01/25/2021 Senate—Introduced—SJ 89  
 01/25/2021 Senate—Referred to Committee on Education—SJ 92  
 02/04/2021 Senate—Committee Report recommending bill be passed by Committee on Education—SJ 153  
 02/11/2021 Senate—Committee of the Whole - Be passed—SJ 202  
 02/11/2021 Senate—Emergency Final Action - Passed; Yea: 23 Nay: 14  
 02/12/2021 House—Received and Introduced—HJ 224  
 02/15/2021 House—Referred to Committee on K-12 Education Budget—HJ 229  
 02/22/2021 House—Hearing: Tuesday, February 23, 2021, 3:30 PM Room 546-S
- S 62** Bill by Education  
**Amending the standards for school-administered vision screenings for students, establishing the Kansas children's vision health and school readiness commission and allowing schools to maintain emergency albuterol kits.**  
 01/25/2021 Senate—Introduced—SJ 90  
 01/26/2021 Senate—Referred to Committee on Education—SJ 94  
 01/27/2021 Senate—Hearing: Thursday, February 4, 2021, 1:30 PM Room 144-S  
 02/23/2021 Senate—Committee Report recommending bill be passed by Committee on Education—SJ 242  
 03/01/2021 Senate—Committee of the Whole - Be passed—SJ 259  
 03/02/2021 Senate—Final Action - Passed; Yea: 35 Nay: 4  
 03/02/2021 House—Received and Introduced—HJ 357  
 03/03/2021 House—Referred to Committee on Education—HJ 361  
 03/05/2021 House—Hearing: Thursday, March 11, 2021, 1:30 PM Room 218-N  
 03/29/2021 House—Committee Report recommending bill be passed as amended by Committee on Education—HJ 603  
 03/31/2021 House—Withdrawn from Calendar; Referred to Committee on Appropriations—HJ 646
- S 63** Bill by Education  
**House Substitute for SB 63 by Committee on K-12 Education Budget - Enacting the back to school act to require school districts to provide a full-time, in person attendance option for all students beginning March 31, 2021, for school year 2020-2021.**  
 01/25/2021 Senate—Introduced—SJ 90  
 01/26/2021 Senate—Referred to Committee on Education—SJ 94  
 01/27/2021 Senate—Hearing: Tuesday, February 2, 2021, 1:30 PM Room 144-S  
 02/26/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 253  
 03/02/2021 Senate—Committee of the Whole - Be passed as amended—SJ 281  
 03/03/2021 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0  
 03/10/2021 House—Received and Introduced—HJ 459  
 03/11/2021 House—Referred to Committee on K-12 Education Budget—HJ 464  
 03/15/2021 House—Hearing: Tuesday, March 16, 2021, 3:30 PM Room 546-S  
 03/18/2021 House—Committee Report recommending substitute bill be passed by Committee on K-12 Education Budget—HJ 511  
 03/22/2021 House—Committee of the Whole - Substitute bill be passed—HJ 517  
 03/23/2021 House—Final Action - Substitute passed; Yea: 77 Nay: 46

- 03/23/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Baumgardner, Senator Erickson and Senator Sykes as conferees—SJ 391
- 03/24/2021 House—Motion to accede adopted; Representative Williams, Representative Hoffman and Representative Winn appointed as conferees—HJ 533
- 03/24/2021 Senate—Concurred with amendments in conference; Yea: 28 Nay: 11—SJ 399
- 03/26/2021 Senate—Enrolled and presented to Governor on Friday, March 26, 2021—SJ 471
- 04/06/2021 Senate—Approved by Governor on Monday, April 5, 2021—SJ 574

S 64

**Amending the private and out-of-state postsecondary educational institution act to clarify the state board of regents' authority and provide additional student protections and institutional accountability.**

- 01/25/2021 Senate—Introduced—SJ 90
- 01/26/2021 Senate—Hearing: Thursday, January 28, 2021, 1:30 PM Room 144-S
- 01/26/2021 Senate—Referred to Committee on Education—SJ 94
- 02/02/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Education—SJ 138
- 02/09/2021 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 194
- 02/10/2021 House—Received and Introduced—HJ 192
- 02/11/2021 House—Referred to Committee on Education—HJ 212
- 03/10/2021 House—Hearing: Wednesday, March 17, 2021, 1:30 PM Room 218-N
- 03/18/2021 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Education—HJ 509
- 03/24/2021 House—Final Action - Passed; Yea: 120 Nay: 2
- 03/26/2021 Senate—Enrolled and presented to Governor on Friday, March 26, 2021—SJ 471
- 04/06/2021 Senate—Approved by Governor on Friday, April 2, 2021—SJ 574

S 65

**Enhancing the high performance incentive program by decoupling the KIT and KIR workforce training programs and by providing for the transferability of the tax credit.**

- 01/25/2021 Senate—Introduced—SJ 90
- 01/26/2021 Senate—Referred to Committee on Commerce—SJ 94
- 01/27/2021 Senate—Hearing: Wednesday, February 3, 2021, 10:30 AM Room 546-S
- 02/08/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Commerce—SJ 159
- 02/11/2021 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 202
- 02/18/2021 Senate—Committee of the Whole - Be passed—SJ 220
- 02/18/2021 Senate—Emergency Final Action - Passed; Yea: 38 Nay: 0
- 02/19/2021 House—Received and Introduced—HJ 257
- 02/22/2021 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 260
- 03/10/2021 House—Hearing: Wednesday, March 17, 2021, 1:30 PM Room 346-S
- 03/23/2021 House—Committee Report recommending bill be passed as amended by Committee on Commerce, Labor and Economic Development—HJ 526

03/25/2021 House—Committee of the Whole - Be passed as amended—HJ 556  
 03/25/2021 House—Emergency Final Action - Passed as amended; Yea: 121 Nay: 1  
 03/29/2021 Senate—Concurred with amendments; Yea: 38 Nay: 1—SJ 437  
 04/06/2021 Senate—Enrolled and presented to Governor on Tuesday, April 6, 2021  
 —SJ 613  
 05/03/2021 Senate—Approved by Governor on Thursday, April 15, 2021—SJ 1095  
 Bill by Commerce

S 66

**Amending the angel investor tax credit with respect to the definition of qualified securities, tax credit limitations and amounts, investor requirements and extending the date that credits may be allowed, and also amending the tax credit for expenses incurred to make a residence accessible to persons with a disability by increasing the credit.**

01/25/2021 Senate—Introduced—SJ 90  
 01/26/2021 Senate—Referred to Committee on Commerce—SJ 94  
 01/27/2021 Senate—Hearing: Monday, February 1, 2021, 10:30 AM Room 546-S  
 02/01/2021 Senate—Hearing: Monday, February 1, 2021, 10:42 AM Room 546-S  
 02/08/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Commerce—SJ 159  
 02/08/2021 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 160  
 02/18/2021 Senate—Committee of the Whole - Be passed—SJ 220  
 02/18/2021 Senate—Emergency Final Action - Passed; Yea: 26 Nay: 12  
 02/19/2021 House—Received and Introduced—HJ 257  
 02/22/2021 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 260  
 03/10/2021 House—Hearing: Wednesday, March 17, 2021, 1:30 PM Room 346-S  
 03/23/2021 House—Committee Report recommending bill be passed as amended by Committee on Commerce, Labor and Economic Development—HJ 527  
 03/25/2021 House—Committee of the Whole - Be passed as amended—HJ 556  
 03/25/2021 House—Emergency Final Action - Passed as amended; Yea: 109 Nay: 12  
 03/29/2021 Senate—Concurred with amendments; Yea: 29 Nay: 9—SJ 438  
 04/06/2021 Senate—Enrolled and presented to Governor on Tuesday, April 6, 2021  
 —SJ 613  
 05/03/2021 Senate—Approved by Governor on Thursday, April 15, 2021—SJ 1095  
 Bill by Transportation

S 67

**Permitting funeral escorts to direct traffic for funeral processions and requiring drivers to yield the right-of-way and move over for authorized utility or telecommunication vehicles.**

01/25/2021 Senate—Introduced—SJ 90  
 01/26/2021 Senate—Referred to Committee on Transportation—SJ 94  
 01/27/2021 Senate—Hearing: Tuesday, February 2, 2021, 8:30 AM Room 546-S  
 02/11/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 206  
 02/17/2021 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 216  
 02/18/2021 House—Received and Introduced—HJ 240  
 02/19/2021 House—Referred to Committee on Transportation—HJ 256  
 03/03/2021 House—Hearing: Thursday, March 11, 2021, 1:30 PM Room 582-N  
 03/17/2021 House—Committee Report recommending bill be passed as amended by Committee on Transportation—HJ 501

- 03/22/2021 House—Committee of the Whole - Be passed as amended—HJ 517  
 03/23/2021 House—Final Action - Passed as amended; Yea: 99 Nay: 24  
 03/23/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Petersen, Senator Claeys and Senator Hawk as conferees—SJ 391  
 03/24/2021 House—Motion to accede adopted; Representative Proehl, Representative Delperdang and Representative Helgerson appointed as conferees—HJ 533  
 04/08/2021 House—Conference Committee Report was adopted; Yea: 119 Nay: 3—HJ 674  
 04/08/2021 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 641  
 05/03/2021 Senate—Enrolled and presented to Governor on Friday, April 16, 2021—SJ 1106  
 05/03/2021 Senate—Approved by Governor on Wednesday, April 21, 2021—SJ 1095

**S 68** Bill by Transportation

**Establishing a fee on firefighter distinctive license plates.**

- 01/25/2021 Senate—Introduced—SJ 90  
 01/26/2021 Senate—Referred to Committee on Transportation—SJ 94  
 01/27/2021 Senate—Hearing: Wednesday, February 3, 2021, 8:30 AM Room 546-S  
 02/04/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 153  
 02/11/2021 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 205  
 02/12/2021 House—Received and Introduced—HJ 224  
 02/15/2021 House—Referred to Committee on Transportation—HJ 229  
 03/03/2021 House—Hearing: Wednesday, March 10, 2021, 1:30 PM Room 582-N

**S 69** Bill by Transportation

**House Substitute for SB 69 by Committee on Transportation - Providing for the love, Chloe foundation distinctive license plate and establishing a fee on firefighter distinctive license plates.**

- 01/25/2021 Senate—Introduced—SJ 90  
 01/26/2021 Senate—Referred to Committee on Transportation—SJ 94  
 01/27/2021 Senate—Hearing: Wednesday, February 3, 2021, 8:30 AM Room 546-S  
 02/04/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 153  
 02/11/2021 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 205  
 02/12/2021 House—Received and Introduced—HJ 224  
 02/15/2021 House—Referred to Committee on Transportation—HJ 229  
 03/03/2021 House—Hearing: Wednesday, March 10, 2021, 1:30 PM Room 582-N  
 03/17/2021 House—Committee Report recommending substitute bill be passed by Committee on Transportation—HJ 501  
 03/31/2021 House—Stricken from Calendar by Rule 1507—HJ 647

**S 70** Bill by Assessment and Taxation

**Making exemption permanent for certain cash rebates on sales or leases of new motor vehicles and excluding discounts and coupons from the sales or selling price for sales tax purposes.**

- 01/25/2021 Senate—Introduced—SJ 90  
 01/26/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 94  
 01/27/2021 Senate—Hearing: Tuesday, February 2, 2021, 9:30 AM Room 548-S

- 02/04/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Assessment and Taxation—SJ 153
- 02/04/2021 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 153
- 02/09/2021 Senate—Committee of the Whole - Be passed—SJ 164
- 02/09/2021 Senate—Emergency Final Action - Passed; Yea: 26 Nay: 11
- 02/10/2021 House—Received and Introduced—HJ 192
- 02/11/2021 House—Referred to Committee on Taxation—HJ 212
- 03/23/2021 House—Hearing: Wednesday, March 24, 2021, 3:30 PM Room 346-S
- S 71** Bill by Assessment and Taxation  
**Establishing income tax and privilege tax credits for contributions to the Eisenhower foundation.**
- 01/25/2021 Senate—Introduced—SJ 90
- 01/26/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 94
- 02/17/2021 Senate—Hearing: Tuesday, February 23, 2021, 9:30 AM Room 548-S
- 02/24/2021 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 245
- 03/03/2021 Senate—Committee of the Whole - Be passed—SJ 307
- 03/03/2021 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0
- 03/04/2021 House—Received and Introduced—HJ 433
- 03/05/2021 House—Referred to Committee on Taxation—HJ 456
- 03/17/2021 House—Hearing: Wednesday, March 24, 2021, 3:30 PM Room 346-S
- 03/29/2021 House—Committee Report recommending bill be passed as amended by Committee on Taxation—HJ 612
- S 72** Bill by Assessment and Taxation  
**Requiring appraisal courses for county appraisers and members of the state board of tax appeals to be courses approved by the Kansas real estate appraisal board.**
- 01/25/2021 Senate—Introduced—SJ 90
- 01/26/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 94
- 01/27/2021 Senate—Hearing: Thursday, February 4, 2021, 9:30 AM Room 548-S
- 02/26/2021 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 252
- 03/03/2021 Senate—Committee of the Whole - Be passed—SJ 307
- 03/03/2021 Senate—Emergency Final Action - Passed; Yea: 28 Nay: 11
- 03/04/2021 House—Received and Introduced—HJ 433
- 03/05/2021 House—Referred to Committee on Taxation—HJ 456
- 03/17/2021 House—Hearing: Monday, March 22, 2021, 3:30 PM Room 346-S
- S 73** Bill by Senator Holland  
**Requiring the attorney general to carry out certain duties related to investigating corruption committed by a public officer or public employee.**
- 01/26/2021 Senate—Introduced—SJ 93
- 01/27/2021 Senate—Referred to Committee on Judiciary—SJ 110
- S 74** Bill by Senator Holland  
**Requiring the attorney general to carry out certain duties related to investigating sexual abuse committed by a minister of religion.**
- 01/26/2021 Senate—Introduced—SJ 93
- 01/27/2021 Senate—Referred to Committee on Judiciary—SJ 110
- S 75** Bill by Senator Holland

**Requiring a duly ordained minister of religion to report certain abuse and neglect of children.**

01/26/2021 Senate—Introduced—SJ 93

01/27/2021 Senate—Referred to Committee on Judiciary—SJ 110

S 76 Bill by Senators Holland, Corson, Faust-Goudeau, Haley, Peck, Petersen, Pettey, Pittman, Ware

**Establishing the golden years homestead property tax freeze act to provide a refund for certain increases in residential property taxes.**

01/26/2021 Senate—Introduced—SJ 93

01/27/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 110

S 77 03/04/2021 Senate—Hearing: Thursday, March 11, 2021, 9:30 AM Room 548-S  
Bill by Public Health and Welfare

**Enacting the audiology and speech-language pathology interstate compact.**

01/26/2021 Senate—Introduced—SJ 93

01/27/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 110

02/03/2021 Senate—Hearing: Wednesday, February 10, 2021, 8:30 AM Room 142-S

02/11/2021 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 206

02/18/2021 Senate—Committee of the Whole - Be passed—SJ 220

02/18/2021 Senate—Emergency Final Action - Passed; Yea: 35 Nay: 3

02/19/2021 House—Received and Introduced—HJ 257

02/22/2021 House—Referred to Committee on Health and Human Services—HJ 260

03/04/2021 House—Hearing: Thursday, March 11, 2021, 1:30 PM Room 112-N

03/15/2021 House—Committee Report recommending bill be passed as amended by Committee on Health and Human Services—HJ 469

03/17/2021 House—Committee of the Whole - Be passed as amended—HJ 498

03/18/2021 House—Final Action - Passed as amended; Yea: 119 Nay: 3

03/18/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Hilderbrand, Senator Gossage and Senator Pettey as conferees—SJ 374

03/22/2021 House—Motion to accede adopted; Representative Landwehr, Representative Eplee and Representative Parker appointed as conferees—HJ 516

03/25/2021 Senate—Concurred with amendments in conference; Yea: 38 Nay: 2—SJ 415

03/30/2021 Senate—Enrolled and presented to Governor on Tuesday, March 30, 2021—SJ 549

S 78 03/31/2021 Senate—Approved by Governor on Tuesday, March 30, 2021—SJ 551  
Bill by Insurance

**House Substitute for SB 78 by Committee on Insurance and Pensions -**

**Updating the national insurance commissioners credit for insurance reinsurance model law, codifying the national insurance commissioners credit for reinsurance model regulation and updating certain terms and definitions relating to the insurance holding company act, service contracts and surplus lines insurance.**

**Eliminating certain requirements relating to the annual submittal of certain documents by out-of-state risk retention groups, extending the time frame to submit certain documents by professional employer**

**organizations, abolishing the utilization review advisory committee and replacing it with URAC.**

- 01/26/2021 Senate—Introduced—SJ 93
- 01/27/2021 Senate—Referred to Committee on Judiciary—SJ 110
- 02/01/2021 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Financial Institutions and Insurance—SJ 130
- 02/03/2021 Senate—Hearing: Tuesday, February 9, 2021, 9:30 AM Room 546-S
- 02/16/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 212
- 03/02/2021 Senate—Committee of the Whole - Be passed as amended—SJ 274
- 03/03/2021 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0
- 03/10/2021 House—Received and Introduced—HJ 459
- 03/11/2021 House—Referred to Committee on Insurance and Pensions—HJ 464
- 03/11/2021 House—Hearing: Wednesday, March 17, 2021, 3:30 PM Room 218-N
- 03/24/2021 House—Committee Report recommending substitute bill be passed by Committee on Insurance and Pensions—HJ 545
- 03/29/2021 House—Committee of the Whole - Substitute bill be passed—HJ 611
- 03/30/2021 House—Final Action - Substitute passed; Yea: 124 Nay: 0—HJ 623
- 03/30/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Longbine, Senator Peck and Senator Holscher as conferees—SJ 486
- 04/06/2021 House—Motion to accede adopted; Representative S. Johnson, Representative Croft and Representative Neighbor appointed as conferees—HJ 650
- 05/07/2021 House—Conference Committee Report was adopted; Yea: 113 Nay: 7—HJ 1406
- 05/07/2021 Senate—Conference Committee Report was adopted; Yea: 33 Nay: 7—SJ 1281
- 05/26/2021 Senate—Enrolled and presented to Governor on Friday, May 14, 2021
- 05/26/2021 Senate—Approved by Governor on Wednesday, May 19, 2021
- S 79** Bill by Federal and State Affairs  
**Providing the state fire marshal with law enforcement powers and requiring an investigation of deaths resulting from fire.**
- 01/26/2021 Senate—Introduced—SJ 94
- 01/27/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 110
- S 80** Bill by Federal and State Affairs  
**Requiring changes to electric rates for transmission costs to be approved through an electric utility's general rate case proceedings.**
- 01/26/2021 Senate—Introduced—SJ 94
- 01/27/2021 Senate—Referred to Committee on Utilities—SJ 110
- S 81** Bill by Federal and State Affairs  
**Requiring the state corporation commission to provide the legislature with an annual report of the electric rates of electric public utilities in the region.**
- 01/26/2021 Senate—Introduced—SJ 94
- 01/27/2021 Senate—Referred to Committee on Utilities—SJ 110
- 02/10/2021 Senate—Hearing: Thursday, February 11, 2021, 1:30 PM Room 548-S
- S 82** Bill by Federal and State Affairs  
**Limiting utilization review conducted by health plans under certain circumstances involving the treatment of mental illness or substance**

**abuse disorder.**

01/26/2021 Senate—Introduced—SJ 94

01/27/2021 Senate—Referred to Committee on Insurance—SJ 110

01/29/2021 Senate—Withdrawn from Committee on Insurance; Referred to  
Committee on Financial Institutions and Insurance**S 83** Bill by Public Health and Welfare**Allowing certain exceptions to the confidentiality of state child death review board documents.**

01/26/2021 Senate—Introduced—SJ 94

01/27/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 110

01/28/2021 Senate—Hearing: Tuesday, February 2, 2021, 8:30 AM Room 142-S

02/10/2021 Senate—Committee Report recommending bill be passed as amended  
by Committee on Public Health and Welfare—SJ 19803/01/2021 Senate—Committee of the Whole - Be passed as further amended—SJ  
258

03/02/2021 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0

03/03/2021 House—Received and Introduced—HJ 431

03/04/2021 House—Referred to Committee on Children and Seniors—HJ 432

03/15/2021 House—Hearing: Wednesday, March 17, 2021, 1:30 PM Room 152-S

**S 84** Bill by Federal and State Affairs**House Substitute for Substitute for SB 84 by Committee on Federal and State Affairs - Authorizing sports wagering under the Kansas expanded lottery act.**

01/26/2021 Senate—Introduced—SJ 94

01/27/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 110

02/03/2021 Senate—Hearing continuation: Thursday, February 11, 2021, 10:30 AM  
Room 144-S02/03/2021 Senate—Hearing: Wednesday, February 10, 2021, 10:30 AM Room  
144-S02/04/2021 Senate—Hearing: (proponents) Wednesday, February 10, 2021, 10:30  
AM Room 144-S03/01/2021 Senate—Committee Report recommending substitute bill be passed by  
Committee on Federal and State Affairs—SJ 26403/03/2021 Senate—Committee of the Whole - Substitute bill be passed as  
amended—SJ 30703/03/2021 Senate—Emergency Final Action - Substitute passed as amended; Yea:  
26 Nay: 12

03/10/2021 House—Received and Introduced—HJ 459

03/11/2021 House—Referred to Committee on Federal and State Affairs—HJ 464

03/15/2021 House—Hearing: Thursday, March 18, 2021, 9:00 AM Room 346-S

03/26/2021 House—Committee Report recommending substitute bill be passed by  
Committee on Federal and State Affairs—HJ 57303/30/2021 House—Committee of the Whole - Motion to recommend favorably for  
passage failed—HJ 638**S 85** Bill by Public Health and Welfare**Requiring notification to the governor and the legislature of missing foster care youth.**

01/26/2021 Senate—Introduced—SJ 94

01/27/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 110

01/28/2021 Senate—Hearing: Tuesday, February 2, 2021, 8:30 AM Room 142-S

- 02/10/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 198
- 02/17/2021 Senate—Committee of the Whole - Be passed as amended—SJ 216
- 02/18/2021 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0
- 02/22/2021 House—Received and Introduced—HJ 260
- 02/23/2021 House—Referred to Committee on Children and Seniors—HJ 275
- 03/17/2021 House—Hearing: Monday, March 22, 2021, 1:30 PM Room 152-S
- 03/22/2021 House—Hearing: Wednesday, March 24, 2021, 1:30 PM Room 152-S
- S 86** Bill by Joint Pensions, Investments and Benefits
- Establishing the Kansas extraordinary utility costs loan deposit program and the Kansas economic recovery loan deposit program and amending the city utility low-interest loan program by providing for electronic repayment of loans, cash basis exception, payment frequency, loan security and an ending date for making loans.**
- 01/27/2021 Senate—Introduced—SJ 110
- 01/28/2021 Senate—Referred to Committee on Financial Institutions—SJ 116
- 01/29/2021 Senate—Withdrawn from Committee on Financial Institutions; Referred to Committee on Financial Institutions and Insurance
- 02/04/2021 Senate—Hearing: Thursday, February 11, 2021, 9:30 AM Room 546-S
- 02/11/2021 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 206
- 03/01/2021 Senate—Committee of the Whole - Be passed—SJ 257
- 03/02/2021 Senate—Final Action - Passed; Yea: 39 Nay: 0
- 03/02/2021 House—Received and Introduced—HJ 357
- 03/03/2021 House—Referred to Committee on Insurance and Pensions—HJ 361
- 03/10/2021 House—Hearing: Monday, March 15, 2021, 3:30 PM Room 218-N
- 03/18/2021 House—Committee Report recommending bill be passed as amended by Committee on Insurance and Pensions—HJ 510
- 03/23/2021 House—Committee of the Whole - Be passed as amended—HJ 525
- 03/24/2021 House—Final Action - Passed as amended; Yea: 122 Nay: 0
- 03/24/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Longbine, Senator Fagg and Senator Pittman as conferees—SJ 399
- 03/25/2021 House—Motion to accede adopted; Representative S. Johnson, Representative Croft and Representative Neighbor appointed as conferees—HJ 550
- 04/07/2021 House—Representative Kelly, Representative Hoheisel, and Representative Xu are appointed to replace Representative S. Johnson, Representative Croft, and Representative Neighbor on the Conference Committee—HJ 666
- 04/09/2021 House—Conference Committee Report was adopted; Yea: 117 Nay: 6—HJ 820
- 04/09/2021 Senate—Conference Committee Report was adopted; Yea: 36 Nay: 2—SJ 1048
- 05/03/2021 Senate—Enrolled and presented to Governor on Friday, April 16, 2021—SJ 1106
- 05/03/2021 Senate—Approved by Governor on Thursday, April 22, 2021—SJ 1095
- S 87** Bill by Assessment and Taxation
- Discontinuing apportionment of countywide retailers' sales tax imposed for general purposes between the county and cities located therein.**

01/27/2021 Senate—Introduced—SJ 110  
 01/28/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 116  
 02/03/2021 Senate—Hearing: Thursday, February 11, 2021, 9:30 AM Room 548-S  
 03/30/2021 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Assessment and Taxation—SJ 488

S 88

Bill by Local Government

**House Substitute for SB 88 by Committee on Financial Institutions and Rural Development - Establishing the city utility low-interest loan program, allowing cities to apply to the state treasurer for loans from state unencumbered funds for extraordinary electric or natural gas costs incurred during the extreme winter weather event of February 2021.**

01/28/2021 Senate—Introduced—SJ 112  
 01/29/2021 Senate—Referred to Committee on Local Government—SJ 122  
 01/29/2021 Senate—Hearing: Tuesday, February 2, 2021, 9:30 AM Room 142-S  
 02/08/2021 Senate—Hearing continuation: Tuesday, February 9, 2021, 9:30 AM Room 142-S  
 02/09/2021 Senate—Committee Report recommending bill be passed by Committee on Local Government—SJ 195  
 02/17/2021 Senate—Committee of the Whole - Be passed—SJ 216  
 02/18/2021 Senate—Final Action - Passed; Yea: 37 Nay: 1  
 02/19/2021 House—Received and Introduced—HJ 257  
 02/22/2021 House—Referred to Committee on Local Government—HJ 260  
 03/02/2021 House—Withdrawn from Committee on Local Government; Referred to Committee on Financial Institutions and Rural Development—HJ 336  
 03/02/2021 House—Hearing: Wednesday, March 3, 2021, 8:30 AM Room 218-N  
 03/03/2021 House—Committee Report recommending substitute bill be passed by Committee on Financial Institutions and Rural Development—HJ 362  
 03/03/2021 House—Emergency Final Action - Substitute passed; Yea: 124 Nay: 0  
 03/03/2021 Senate—Concurred with amendments; Yea: 37 Nay: 1—SJ 307  
 03/03/2021 Senate—Enrolled and presented to Governor on Wednesday, March 3, 2021—SJ 316  
 03/04/2021 Senate—Approved by Governor on Wednesday, March 3, 2021—SJ 317

S 89

Bill by Agriculture and Natural Resources

**Exempting the transport of agricultural forage commodities from secured load requirements.**

01/28/2021 Senate—Introduced—SJ 112  
 01/29/2021 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 122  
 02/01/2021 Senate—Hearing: Wednesday, February 3, 2021, 8:30 AM Room 144-S  
 02/23/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Agriculture and Natural Resources—SJ 241  
 03/01/2021 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 261  
 03/02/2021 House—Received and Introduced—HJ 336  
 03/03/2021 House—Referred to Committee on Agriculture—HJ 361  
 03/10/2021 House—Hearing: Tuesday, March 16, 2021, 3:30 PM Room 112-N  
 03/24/2021 House—Committee Report recommending bill be passed as amended by Committee on Agriculture—HJ 540  
 03/25/2021 House—Committee of the Whole - Be passed as amended—HJ 556

- 03/25/2021 House—Emergency Final Action - Passed as amended; Yea: 122 Nay: 0  
 04/06/2021 Senate—Concurred with amendments; Yea: 40 Nay: 0—SJ 577  
 04/09/2021 Senate—Enrolled and presented to Governor on Friday, April 9, 2021—  
 SJ 1092
- S 90** 05/03/2021 Senate—Approved by Governor on Friday, April 16, 2021—SJ 1095  
 Bill by Commerce  
**Amending the Kansas rural housing incentive district act to permit bond  
 funding for vertical residential renovation of older buildings in central  
 business districts and by changing the definitions of an eligible city or  
 county.**
- 01/28/2021 Senate—Introduced—SJ 113  
 01/29/2021 Senate—Referred to Committee on Commerce—SJ 122  
 02/03/2021 Senate—Hearing: Wednesday, February 10, 2021, 10:30 AM Room  
 546-S  
 02/11/2021 Senate—Committee Report recommending bill be passed by Committee  
 on Commerce—SJ 206  
 03/02/2021 Senate—Committee of the Whole - Be passed as amended—SJ 276  
 03/03/2021 Senate—Final Action - Passed as amended; Yea: 33 Nay: 6  
 03/10/2021 House—Received and Introduced—HJ 459  
 03/11/2021 House—Referred to Committee on Commerce, Labor and Economic  
 Development—HJ 464  
 03/17/2021 House—Hearing: Wednesday, March 17, 2021, 1:30 PM Room 346-S  
 03/23/2021 House—Committee Report recommending bill be passed as amended  
 by Committee on Commerce, Labor and Economic Development—HJ 529  
 03/25/2021 House—Committee of the Whole - Be passed as amended—HJ 556  
 03/25/2021 House—Emergency Final Action - Passed as amended; Yea: 105 Nay:  
 17  
 03/29/2021 Senate—Concurred with amendments; Yea: 34 Nay: 5—SJ 438  
 04/06/2021 Senate—Enrolled and presented to Governor on Tuesday, April 6, 2021  
 —SJ 613
- S 91** 05/03/2021 Senate—Approved by Governor on Thursday, April 15, 2021—SJ 1095  
 Bill by Commerce  
**House Substitute for SB 91 by Committee on Commerce, Labor and Economic  
 Development - Providing liability protection for businesses,  
 municipalities and educational institutions that participate in high  
 school work-based learning programs and providing that schools are  
 responsible for injuries to students participating in such programs.**
- 01/28/2021 Senate—Introduced—SJ 113  
 01/29/2021 Senate—Referred to Committee on Commerce—SJ 122  
 02/03/2021 Senate—Hearing: Wednesday, February 10, 2021, 10:30 AM Room  
 546-S  
 02/11/2021 Senate—Committee Report recommending bill be passed by Committee  
 on Commerce—SJ 206  
 03/02/2021 Senate—Committee of the Whole - Be passed—SJ 276  
 03/03/2021 Senate—Final Action - Passed; Yea: 34 Nay: 5  
 03/03/2021 House—Received and Introduced—HJ 431  
 03/04/2021 House—Referred to Committee on Commerce, Labor and Economic  
 Development—HJ 432  
 03/10/2021 House—Hearing: Wednesday, March 17, 2021, 1:30 PM Room 346-S  
 03/29/2021 House—Committee Report recommending substitute bill be passed by

- Committee on Commerce, Labor and Economic Development—HJ 603  
 03/31/2021 House—Withdrawn from Calendar; Referred to Committee on Appropriations—HJ 646  
 04/06/2021 House—Withdrawn from Committee on Appropriations and re-referred to Committee of the Whole—HJ 651  
 04/08/2021 House—Committee of the Whole - Substitute bill be passed—HJ 695  
 04/08/2021 House—Emergency Final Action - Substitute passed; Yea: 123 Nay: 0 —HJ 695  
 05/07/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Olson, Senator Steffen and Senator Holland as conferees—SJ 1260  
 05/07/2021 House—Motion to accede adopted; Representative Tarwater, Representative Long and Representative Clayton appointed as conferees—HJ 1406
- S 92** Bill by Commerce  
**Creating the Kansas equal access act to authorize the use of medical marijuana.**  
 01/28/2021 Senate—Introduced—SJ 113  
 01/29/2021 Senate—Referred separately to Committee on Public Health and Welfare and Committee on Federal and State Affairs—SJ 122
- S 93** Bill by Education  
**Requiring the allocation of sufficient school district moneys to improve academic performance of underachieving students.**  
 01/28/2021 Senate—Introduced—SJ 113  
 01/29/2021 Senate—Referred to Committee on Education—SJ 122  
 02/15/2021 Senate—Hearing: Friday, February 19, 2021, 1:30 PM Room 144-S  
 02/26/2021 Senate—Committee Report recommending bill be passed by Committee on Education—SJ 253  
 03/04/2021 Senate—Withdrawn from Calendar; Referred to Committee on Federal and State Affairs—SJ 317  
 03/05/2021 Senate—Withdrawn from Committee on Federal and State Affairs and re-referred to Committee of the Whole—SJ 320
- S 94** Bill by Federal and State Affairs  
**Requiring all voting systems for elections to use individual voter-verified paper ballots.**  
 01/28/2021 Senate—Introduced—SJ 113  
 01/29/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 122  
 02/17/2021 Senate—Hearing: Tuesday, February 23, 2021, 10:30 AM Room 144-S
- S 95** Bill by Transportation  
**Exempting motor vehicle odometer reading recording requirements when such recording requirements are exempted by federal law and expanding the definitions of all-terrain vehicles and recreational off-highway vehicles.**  
 01/28/2021 Senate—Introduced—SJ 113  
 01/29/2021 Senate—Referred to Committee on Transportation—SJ 122  
 02/03/2021 Senate—Hearing: Thursday, February 11, 2021, 8:30 AM Room 546-S  
 02/17/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 217  
 02/23/2021 Senate—Consent Calendar Passed Yea: 38 Nay: 0—SJ 241  
 02/24/2021 House—Received and Introduced—HJ 280

02/25/2021 House—Referred to Committee on Transportation—HJ 293  
 03/03/2021 House—Hearing: Thursday, March 11, 2021, 1:30 PM Room 582-N  
 03/17/2021 House—Committee Report recommending bill be passed as amended  
 by Committee on Transportation—HJ 501  
 03/22/2021 House—Committee of the Whole - Be passed as amended—HJ 517  
 03/23/2021 House—Final Action - Passed as amended; Yea: 123 Nay: 0  
 03/23/2021 Senate—Nonconcurrent with amendments; Conference Committee  
 requested; appointed Senator Petersen, Senator Claeys and Senator Hawk  
 as conferees—SJ 391  
 03/24/2021 House—Motion to accede adopted; Representative Proehl,  
 Representative Delperdang and Representative Helgeson appointed as  
 conferees—HJ 533  
 04/08/2021 House—Conference Committee Report was adopted; Yea: 116 Nay: 6—  
 HJ 686  
 04/08/2021 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—  
 SJ 652  
 05/03/2021 Senate—Enrolled and presented to Governor on Friday, April 16, 2021  
 —SJ 1106  
 05/03/2021 Senate—Approved by Governor on Wednesday, April 21, 2021—SJ  
 1095

**S 96** Bill by Senator Peck

**Repealing the provision of Kansas residency for purposes of tuition and fees at a postsecondary educational institution for individuals who are not lawfully present in the United States.**

01/28/2021 Senate—Introduced—SJ 113

01/29/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 122

**S 97** Bill by Local Government

**Defining "purposes of sepulture" for purposes of the laws governing cemetery corporations.**

01/28/2021 Senate—Introduced—SJ 113

01/29/2021 Senate—Referred to Committee on Local Government—SJ 122

02/01/2021 Senate—Hearing: Thursday, February 4, 2021, 9:30 AM Room 142-S

02/08/2021 Senate—Hearing continuation: Thursday, February 11, 2021, 9:30 AM  
 Room 142-S

**S 98** Bill by Assessment and Taxation

**House Substitute for SB 98 by Committee on Financial Institutions and Rural Development - Enacting the technology-enabled fiduciary financial institution act, providing requirements, fiduciary powers, duties, functions and limitations for such financial institutions and the administration thereof by the state bank commissioner and creating an income and privilege tax credit for certain qualified distributions from technology-enabled fiduciary financial institutions.**

01/28/2021 Senate—Introduced—SJ 113

01/29/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 122

02/10/2021 Senate—Hearing: Thursday, February 18, 2021, 9:30 AM Room 548-S

02/17/2021 Senate—Hearing: Wednesday, February 24, 2021, 9:30 AM Room 548-S

03/01/2021 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Assessment and Taxation—SJ 263

03/03/2021 Senate—Committee of the Whole - Be passed as amended—SJ 307

03/03/2021 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 1  
 03/10/2021 House—Received and Introduced—HJ 459  
 03/11/2021 House—Referred to Committee on Taxation—HJ 464  
 03/17/2021 House—Hearing: Monday, March 22, 2021, 3:30 PM Room 346-S  
 03/29/2021 House—Withdrawn from Committee on Taxation; Referred to  
 Committee on Financial Institutions and Rural Development—HJ 616  
 03/30/2021 House—Committee Report recommending substitute bill be passed by  
 Committee on Financial Institutions and Rural Development—HJ 643

S 99

Bill by Transportation

**House Substitute for SB 99 by Committee on Transportation - Increasing the bond amount required for a vehicle dealer license and providing for display show licenses under the vehicle dealers and manufacturers licensing act.**

01/28/2021 Senate—Introduced—SJ 113  
 01/29/2021 Senate—Referred to Committee on Transportation—SJ 122  
 02/03/2021 Senate—Hearing: Thursday, February 11, 2021, 8:30 AM Room 546-S  
 02/17/2021 Senate—Committee Report recommending bill be passed and placed on  
 Consent Calendar by Committee on Transportation—SJ 217  
 02/23/2021 Senate—Consent Calendar Passed Yea: 36 Nay: 1—SJ 241  
 02/24/2021 House—Received and Introduced—HJ 280  
 02/25/2021 House—Referred to Committee on Transportation—HJ 293  
 03/03/2021 House—Hearing: Thursday, March 11, 2021, 1:30 PM Room 582-N  
 03/17/2021 House—Committee Report recommending substitute bill be passed by  
 Committee on Transportation—HJ 502  
 03/22/2021 House—Committee of the Whole - Substitute bill be passed—HJ 517  
 03/23/2021 House—Final Action - Substitute passed; Yea: 121 Nay: 2  
 03/23/2021 Senate—Nonconcurrent with amendments; Conference Committee  
 requested; appointed Senator Petersen, Senator Claeys and Senator Hawk  
 as conferees—SJ 391  
 03/24/2021 House—Motion to accede adopted; Representative Proehl,  
 Representative Delperdang and Representative Helgerson appointed as  
 conferees—HJ 534  
 03/24/2021 Senate—Concurred with amendments in conference; Yea: 37 Nay: 1—  
 SJ 400  
 03/30/2021 Senate—Enrolled and presented to Governor on Tuesday, March 30,  
 2021—SJ 549

S 100

Bill by Transportation

**Substitute for SB 100 by Committee on Transportation – Excluding the additional 90-day wait period driver’s license suspension for certain offenses.**

01/28/2021 Senate—Introduced—SJ 113  
 01/29/2021 Senate—Referred to Committee on Transportation—SJ 122  
 02/17/2021 Senate—Hearing: Tuesday, February 23, 2021, 8:30 AM Room 546-S  
 03/01/2021 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Transportation—SJ 265  
 03/02/2021 Senate—Withdrawn from Calendar; Referred to Committee on Federal  
 and State Affairs—SJ 282  
 03/22/2021 Senate—Withdrawn from Committee on Federal and State Affairs;  
 Rereferred to Committee on Transportation—SJ 388

- 03/25/2021 Senate—Committee Report recommending substitute bill be passed by Committee on Transportation—SJ 428
- 03/30/2021 Senate—Committee of the Whole - Substitute bill be passed—SJ 482
- 03/31/2021 Senate—Final Action - Substitute passed; Yea: 40 Nay: 0
- 04/06/2021 House—Received and Introduced—HJ 650
- 04/07/2021 House—Referred to Committee on Transportation—HJ 657
- S 101** Bill by Transportation  
**Approving the operation and use of electric-assisted bicycles and regulating the use thereof.**
- 01/28/2021 Senate—Introduced—SJ 114
- 01/29/2021 Senate—Referred to Committee on Transportation—SJ 122
- 02/10/2021 Senate—Hearing: Wednesday, February 17, 2021, 8:30 AM Room 546-S
- 02/26/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 254
- 03/02/2021 Senate—Committee of the Whole - Be passed as amended—SJ 274
- 03/03/2021 Senate—Final Action - Passed as amended; Yea: 36 Nay: 3
- 03/10/2021 House—Received and Introduced—HJ 459
- 03/11/2021 House—Referred to Committee on Transportation—HJ 464
- S 102** Bill by Judiciary  
**Requiring earlier notice of anticipated release from custody of a person who may be a sexually violent predator to the attorney general and a multidisciplinary team and specifying where such person will be detained during civil commitment proceedings.**
- 01/28/2021 Senate—Introduced—SJ 114
- 01/29/2021 Senate—Referred to Committee on Judiciary—SJ 122
- 02/12/2021 Senate—Hearing: Wednesday, February 17, 2021, 10:30 AM Room 346-S
- 02/26/2021 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 253
- 03/02/2021 Senate—Committee of the Whole - Be passed—SJ 276
- 03/03/2021 Senate—Final Action - Passed; Yea: 39 Nay: 0
- 03/03/2021 House—Received and Introduced—HJ 431
- 03/04/2021 House—Referred to Committee on Judiciary—HJ 432
- 03/15/2021 House—Hearing: Tuesday, March 16, 2021, 3:30 PM Room 582-N
- S 103** Bill by Judiciary  
**Amending the Kansas power of attorney act regarding the form of a power of attorney and the duties of third parties relying and acting on a power of attorney.**
- 01/28/2021 Senate—Introduced—SJ 114
- 01/29/2021 Senate—Referred to Committee on Judiciary—SJ 122
- 02/02/2021 Senate—Hearing: Monday, February 8, 2021, 10:30 AM Room 346-S
- 02/11/2021 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 206
- 02/17/2021 Senate—Committee of the Whole - Be passed—SJ 216
- 02/18/2021 Senate—Final Action - Passed; Yea: 38 Nay: 0
- 02/19/2021 House—Received and Introduced—HJ 257
- 02/22/2021 House—Referred to Committee on Judiciary—HJ 260
- 03/05/2021 House—Hearing: Wednesday, March 10, 2021, 3:30 PM Room 582-N
- 03/22/2021 House—Committee Report recommending bill be passed as amended

- by Committee on Judiciary—HJ 517
- 03/24/2021 House—Committee of the Whole - Be passed as amended—HJ 540
- 03/25/2021 House—Final Action - Passed as amended; Yea: 122 Nay: 0
- 03/25/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Warren, Senator Wilborn and Senator Haley as conferees—SJ 415
- 03/29/2021 House—Motion to accede adopted; Representative Patton, Representative Ralph and Representative Carmichael appointed as conferees—HJ 595
- 04/07/2021 House—Conference Committee Report was adopted; Yea: 123 Nay: 0—HJ 663
- 04/08/2021 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 619
- 05/03/2021 Senate—Enrolled and presented to Governor on Friday, April 16, 2021—SJ 1106
- 05/03/2021 Senate—Approved by Governor on Wednesday, April 21, 2021—SJ 1095
- S 104** Bill by Judiciary  
**Requiring a court order be issued directing a child to remain in a present or future placement for certain children in need of care.**
- 01/28/2021 Senate—Introduced—SJ 114
- 01/29/2021 Senate—Referred to Committee on Judiciary—SJ 122
- 02/02/2021 Senate—Hearing: Tuesday, February 9, 2021, 10:30 AM Room 346-S
- 02/26/2021 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 253
- 03/02/2021 Senate—Committee of the Whole - Be passed—SJ 276
- 03/03/2021 Senate—Final Action - Passed; Yea: 28 Nay: 9
- 03/03/2021 House—Received and Introduced—HJ 431
- 03/04/2021 House—Referred to Committee on Judiciary—HJ 432
- S 105** Bill by Judiciary  
**Prohibiting denial of a petition for expungement due to the petitioner's inability to pay outstanding costs, fees, fines or restitution.**
- 01/28/2021 Senate—Introduced—SJ 114
- 01/29/2021 Senate—Referred to Committee on Judiciary—SJ 122
- 02/02/2021 Senate—Hearing: Wednesday, February 10, 2021, 10:30 AM Room 346-S
- 02/26/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 253
- 03/30/2021 Senate—Motion to strike from Calendar adopted;—SJ 479
- S 106** Bill by Judiciary  
**Enacting the revised uniform law on notarial acts and repealing the uniform law on notarial acts.**
- 01/28/2021 Senate—Introduced—SJ 114
- 01/29/2021 Senate—Referred to Committee on Judiciary—SJ 122
- 02/02/2021 Senate—Hearing: Tuesday, February 9, 2021, 10:30 AM Room 346-S
- 02/19/2021 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 235
- 03/01/2021 Senate—Committee of the Whole - Be passed as amended—SJ 258
- 03/02/2021 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0
- 03/10/2021 House—Received and Introduced—HJ 459

- 03/11/2021 House—Referred to Committee on Judiciary—HJ 464  
 03/15/2021 House—Hearing: Thursday, March 18, 2021, 3:30 PM Room 582-N  
 03/24/2021 House—Committee Report recommending bill be passed as amended  
 by Committee on Judiciary—HJ 546  
 03/29/2021 House—Committee of the Whole - Be passed as amended—HJ 597  
 03/30/2021 House—Final Action - Passed as amended; Yea: 122 Nay: 2—HJ 624  
 03/30/2021 Senate—Nonconcurrent with amendments; Conference Committee  
 requested; appointed Senator Warren, Senator Wilborn and Senator Haley  
 as conferees—SJ 487  
 04/06/2021 House—Motion to accede adopted; Representative Patton,  
 Representative Ralph and Representative Carmichael appointed as  
 conferees—HJ 650  
 04/07/2021 House—Conference Committee Report was adopted; Yea: 123 Nay: 0—  
 HJ 664  
 04/08/2021 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—  
 SJ 619  
 05/03/2021 Senate—Enrolled and presented to Governor on Friday, April 16, 2021  
 —SJ 1106  
 05/03/2021 Senate—Approved by Governor on Wednesday, April 21, 2021—SJ  
 1095

**S 107** Bill by Judiciary**Enacting the uniform fiduciary income and principal act (UFIPA).**

- 01/28/2021 Senate—Introduced—SJ 114  
 01/29/2021 Senate—Referred to Committee on Judiciary—SJ 122  
 02/02/2021 Senate—Hearing: Monday, February 8, 2021, 10:30 AM Room 346-S  
 02/11/2021 Senate—Committee Report recommending bill be passed by Committee  
 on Judiciary—SJ 206  
 02/17/2021 Senate—Committee of the Whole - Be passed—SJ 216  
 02/18/2021 Senate—Final Action - Passed; Yea: 38 Nay: 0  
 02/19/2021 House—Received and Introduced—HJ 257  
 02/22/2021 House—Referred to Committee on Judiciary—HJ 260  
 03/05/2021 House—Hearing: Wednesday, March 10, 2021, 3:30 PM Room 582-N  
 03/12/2021 House—Hearing: Thursday, March 18, 2021, 3:30 PM Room 582-N  
 03/22/2021 House—Committee Report recommending bill be passed as amended  
 by Committee on Judiciary—HJ 518  
 03/24/2021 House—Committee of the Whole - Be passed as amended—HJ 540  
 03/25/2021 House—Final Action - Passed as amended; Yea: 122 Nay: 0  
 03/25/2021 Senate—Nonconcurrent with amendments; Conference Committee  
 requested; appointed Senator Warren, Senator Wilborn and Senator Haley  
 as conferees—SJ 415  
 03/29/2021 House—Motion to accede adopted; Representative Patton,  
 Representative Ralph and Representative Carmichael appointed as  
 conferees—HJ 595  
 04/07/2021 House—Conference Committee Report was adopted; Yea: 123 Nay: 0—  
 HJ 664  
 04/08/2021 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—  
 SJ 620  
 05/03/2021 Senate—Enrolled and presented to Governor on Friday, April 16, 2021  
 —SJ 1106  
 05/03/2021 Senate—Approved by Governor on Wednesday, April 21, 2021—SJ

- 1095
- S 108** Bill by Senator Pittman  
**Creating the veterans benefit lottery game fund and transferring moneys to veterans service programs.**  
 01/28/2021 Senate—Introduced—SJ 114  
 01/29/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 122  
 02/11/2021 Senate—Hearing: Wednesday, February 17, 2021, 10:30 AM Room 144-S
- S 109** Bill by Senator Pittman  
**Requiring the Kansas commission on veterans affairs office to submit an initial application for a VA state veterans home construction grant.**  
 01/28/2021 Senate—Introduced—SJ 114  
 01/29/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 122  
 02/11/2021 Senate—Hearing: Wednesday, February 17, 2021, 10:30 AM Room 144-S
- S 110** Bill by Senator Pittman  
**Authorizing the issuance of bonds for the construction of a state veterans home.**  
 01/28/2021 Senate—Introduced—SJ 115  
 01/29/2021 Senate—Referred to Committee on Ways and Means—SJ 122
- S 111** Bill by Senator Pittman  
**Allowing a Kansas itemized deduction for wagering losses for income tax purposes.**  
 01/28/2021 Senate—Introduced—SJ 115  
 01/29/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 122
- S 112** Bill by Senator Pittman  
**Providing a sales tax exemption for sales of farm products sold at farmers' markets.**  
 01/28/2021 Senate—Introduced—SJ 115  
 01/29/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 122
- S 113** Bill by Ways and Means  
**Creating the distracted driving violation and prohibiting the use of a wireless telecommunications device while operating a motor vehicle.**  
 01/28/2021 Senate—Introduced—SJ 115  
 01/29/2021 Senate—Referred to Committee on Transportation—SJ 122
- S 114** Bill by Insurance  
**Allowing governmental entities and self-insurers to reject uninsured motorist and personal injury coverage.**  
 02/01/2021 Senate—Introduced—SJ 125  
 02/02/2021 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 137
- S 115** Bill by Senator Holland  
**Authorizing the county to abate or credit property tax when commercial property is negatively affected by temporary government restrictions on use during a state of disaster emergency.**  
 02/01/2021 Senate—Introduced—SJ 125  
 02/02/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 137
- S 116** Bill by Transportation  
**Decreasing the Eisenhower legacy transportation program alternate delivery project threshold, authorizing usage of federal stimulus funds and**

**KDOT bonding authority.**

- 02/01/2021 Senate—Introduced—SJ 125
- 02/02/2021 Senate—Referred to Committee on Transportation—SJ 137
- 02/10/2021 Senate—Hearing: Tuesday, February 16, 2021, 8:30 AM Room 546-S
- 02/25/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 251
- 03/02/2021 Senate—Committee of the Whole - Be passed as amended—SJ 274
- 03/03/2021 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0
- 03/10/2021 House—Received and Introduced—HJ 459
- 03/11/2021 House—Referred to Committee on Transportation—HJ 464

S 117 Bill by Ways and Means

**Enacting the Kansas electricity bill reduction bonds act and authorizing the state corporation commission to issue securitized ratepayer-backed K-EBRA bonds for electric utility property.**

- 02/01/2021 Senate—Introduced—SJ 125
- 02/02/2021 Senate—Referred to Committee on Ways and Means—SJ 137

S 118 Bill by Local Government

**Providing for the dissolution of special districts and the assumption of responsibilities by a city or county.**

- 02/01/2021 Senate—Introduced—SJ 125
- 02/02/2021 Senate—Referred to Committee on Local Government—SJ 137
- 02/08/2021 Senate—Hearing: Tuesday, February 9, 2021, 9:30 AM Room 142-S
- 02/09/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Local Government—SJ 195
- 02/17/2021 Senate—Consent Calendar Passed Yea: 38 Nay: 1—SJ 216
- 02/18/2021 House—Received and Introduced—HJ 240
- 02/19/2021 House—Referred to Committee on Local Government—HJ 256
- 03/11/2021 House—Hearing and possible action: Wednesday, March 17, 2021, 9:00 AM Room 281-N
- 03/17/2021 House—Committee Report recommending bill be passed by Committee on Local Government—HJ 501
- 03/22/2021 House—Committee of the Whole - Be passed—HJ 517
- 03/23/2021 House—Final Action - Passed; Yea: 121 Nay: 2
- 03/26/2021 Senate—Enrolled and presented to Governor on Friday, March 26, 2021—SJ 471

S 119 04/06/2021 Senate—Approved by Governor on Friday, April 2, 2021—SJ 574

**Bill by Assessment and Taxation**  
**Changing time to request full and complete opinion from the state board tax appeals, requiring the state board of tax appeals to serve orders and notices by electronic means if requested by the party, prohibiting valuation increases of certain property in appeals, establishing the burden of proof of judicial review in district court, extending the time a board member may continue to serve after such member's term expires, authorizing an appointment by the governor of a member pro tempore under certain conditions, requiring appraisal directives to require compliance with uniform standards of professional appraisal practice, providing for notice and opportunity to be heard prior to removal from county appraiser eligibility list and providing notification when person no longer holds office of county appraiser.**

- 02/01/2021 Senate—Introduced—SJ 125

- 02/02/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 137  
 02/10/2021 Senate—Hearing: Thursday, February 18, 2021, 9:30 AM Room 548-S  
 02/17/2021 Senate—Hearing: Wednesday, February 24, 2021, 9:30 AM Room 548-S
- 02/25/2021 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 251
- 03/03/2021 Senate—Committee of the Whole - Be passed—SJ 307  
 03/03/2021 Senate—Emergency Final Action - Passed; Yea: 38 Nay: 1  
 03/04/2021 House—Received and Introduced—HJ 433  
 03/05/2021 House—Referred to Committee on Taxation—HJ 456  
 03/17/2021 House—Hearing: Monday, March 22, 2021, 3:30 PM Room 346-S  
 03/29/2021 House—Committee Report recommending bill be passed as amended by Committee on Taxation—HJ 613
- S 120** Bill by Public Health and Welfare  
**Establishing the joint committee on child welfare system oversight.**  
 02/01/2021 Senate—Introduced—SJ 125  
 02/02/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 137  
 02/04/2021 Senate—Hearing: Tuesday, February 9, 2021, 8:30 AM Room 142-S  
 02/11/2021 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 206  
 03/01/2021 Senate—Committee of the Whole - Be passed—SJ 257  
 03/02/2021 Senate—Final Action - Passed; Yea: 37 Nay: 2  
 03/02/2021 House—Received and Introduced—HJ 357  
 03/03/2021 House—Referred to Committee on Children and Seniors—HJ 361  
 03/15/2021 House—Hearing: Wednesday, March 17, 2021, 1:30 PM Room 152-S  
 03/23/2021 House—Committee Report recommending bill be passed as amended by Committee on Children and Seniors—HJ 526  
 03/31/2021 House—Stricken from Calendar by Rule 1507—HJ 647
- S 121** Bill by Public Health and Welfare  
**Updating certain provisions of the Kansas dental practice act.**  
 02/01/2021 Senate—Introduced—SJ 125  
 02/02/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 137
- S 122** Bill by Judiciary  
**Modifying certain rules of evidence in the code of civil procedure related to authentication of records and documents.**  
 02/01/2021 Senate—Introduced—SJ 125  
 02/02/2021 Senate—Referred to Committee on Judiciary—SJ 137  
 02/02/2021 Senate—Hearing: Tuesday, February 9, 2021, 10:30 AM Room 346-S  
 02/19/2021 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 235  
 03/02/2021 Senate—Committee of the Whole - Be passed—SJ 274  
 03/03/2021 Senate—Final Action - Passed; Yea: 38 Nay: 1  
 03/03/2021 House—Received and Introduced—HJ 431  
 03/04/2021 House—Referred to Committee on Judiciary—HJ 432  
 03/17/2021 House—Hearing: Tuesday, March 23, 2021, 3:30 PM Room 582-N  
 03/25/2021 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 569  
 03/29/2021 House—Committee of the Whole - Be passed as amended—HJ 611  
 03/30/2021 House—Final Action - Passed as amended; Yea: 117 Nay: 7—HJ 625  
 03/30/2021 Senate—Nonconcurrent with amendments; Conference Committee

- requested; appointed Senator Warren, Senator Wilborn and Senator Haley as conferees—SJ 487
- 04/06/2021 House—Motion to accede adopted; Representative Patton, Representative Ralph and Representative Carmichael appointed as conferees—HJ 650
- 04/07/2021 House—Conference Committee Report was adopted; Yea: 115 Nay: 8—HJ 665
- 04/08/2021 Senate—Conference Committee Report was adopted; Yea: 36 Nay: 3—SJ 620
- 05/03/2021 Senate—Enrolled and presented to Governor on Friday, April 16, 2021—SJ 1106
- 05/03/2021 Senate—Approved by Governor on Wednesday, April 21, 2021—SJ 1095
- S 123** Bill by Judiciary  
**Creating a process to terminate the parental rights of a person whose sexual assault of another has resulted in the conception of a child.**
- 02/01/2021 Senate—Introduced—SJ 125
- 02/02/2021 Senate—Referred to Committee on Judiciary—SJ 137
- 02/02/2021 Senate—Hearing: Thursday, February 11, 2021, 10:30 AM Room 346-S
- S 124** Bill by Commerce  
**House Substitute for SB 124 by Committee on Commerce, Labor and Economic Development - Expanding STAR bonds by adding rural redevelopment projects and major business facilities, prohibiting public officials from employment with a developer, providing for public notice of hearings on city or county websites, posting of certain documents and links on websites, disclosure of names of developer, disclosure of state, federal and local tax incentives within a STAR bond district, changing certain project financing, investment and sales provisions, adding visitor tracking plan requirements and additional feasibility study requirements with oversight by the secretary, requiring approval by the secretary for real estate transfers, requiring district contiguity and extending the sunset date.**
- 02/01/2021 Senate—Introduced—SJ 125
- 02/02/2021 Senate—Referred to Committee on Commerce—SJ 137
- 02/03/2021 Senate—Hearing: Tuesday, February 9, 2021, 10:30 AM Room 546-S
- 02/11/2021 Senate—Committee Report recommending bill be passed by Committee on Commerce—SJ 206
- 03/02/2021 Senate—Committee of the Whole - Be passed as amended—SJ 277
- 03/03/2021 Senate—Final Action - Passed as amended; Yea: 24 Nay: 11
- 03/10/2021 House—Received and Introduced—HJ 459
- 03/10/2021 House—Hearing: Tuesday, March 16, 2021, 1:30 PM Room 346-S
- 03/11/2021 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 464
- 03/26/2021 House—Committee Report recommending substitute bill be passed by Committee on Commerce, Labor and Economic Development—HJ 573
- 03/29/2021 House—Committee of the Whole - Be passed as amended—HJ 611
- 03/30/2021 House—Final Action - Substitute passed; Yea: 101 Nay: 23—HJ 625
- 03/31/2021 Senate—Concurred with amendments; Yea: 30 Nay: 9—SJ 571
- 04/09/2021 Senate—Enrolled and presented to Governor on Friday, April 9, 2021—SJ 1092

- 05/03/2021 Senate—Approved by Governor on Thursday, April 15, 2021—SJ 1095
- S 125** Bill by Federal and State Affairs  
**Authorizing mail ballot elections for propositions to amend the constitution of the state of Kansas.**
- 02/02/2021 Senate—Introduced—SJ 136
- 02/03/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 140
- S 126** Bill by  
**Authorizing the sale of alcoholic liquor by class A clubs at special events under the club and drinking establishment act.**
- 02/02/2021 Senate—Introduced—SJ 136
- 02/03/2021 Senate—Referred to Committee on Commerce—SJ 140
- 02/17/2021 Senate—Hearing: Tuesday, February 23, 2021, 10:30 AM Room 546-S
- 02/24/2021 Senate—Committee Report recommending bill be passed by Committee on Commerce—SJ 245
- 03/01/2021 Senate—Committee of the Whole - Be passed—SJ 259
- 03/02/2021 Senate—Final Action - Passed; Yea: 36 Nay: 1
- 03/02/2021 House—Received and Introduced—HJ 357
- 03/03/2021 House—Referred to Committee on Federal and State Affairs—HJ 361
- 03/04/2021 House—Hearing: Thursday, March 11, 2021, 9:00 AM Room 346-S
- 03/29/2021 House—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—HJ 604
- S 127** Bill by Transportation  
**Modifying the eligibility requirements for restricted driving privileges, increasing the age for eligibility to renew drivers' licenses online to 65, allowing drivers' license renewal notices to be sent electronically, authorizing a waiver of traffic fines for manifest hardship situations and excluding the additional 90-day wait period for driver's license suspension for certain offenses.**
- 02/02/2021 Senate—Introduced—SJ 136
- 02/03/2021 Senate—Referred to Committee on Transportation—SJ 140
- 02/10/2021 Senate—Hearing: Wednesday, February 17, 2021, 8:30 AM Room 546-S
- 02/26/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 254
- 03/02/2021 Senate—Committee of the Whole - Be passed as further amended—SJ 281
- 03/03/2021 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0
- 03/10/2021 House—Received and Introduced—HJ 459
- 03/11/2021 House—Referred to Committee on Transportation—HJ 464
- 03/15/2021 House—Hearing: Wednesday, March 17, 2021, 1:30 PM Room 582-N
- 03/25/2021 House—Committee Report recommending bill be passed as amended by Committee on Transportation—HJ 570
- 03/29/2021 House—Committee of the Whole - Be passed as amended—HJ 611
- 03/30/2021 House—Final Action - Passed as amended; Yea: 123 Nay: 1—HJ 626
- 03/30/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Petersen, Senator Claeys and Senator Hawk as conferees—SJ 487
- 04/06/2021 House—Motion to accede adopted; Representative Proehl, Representative Delperdang and Representative Helgerson appointed as conferees—HJ 650

- 04/08/2021 House—Conference Committee Report was adopted; Yea: 122 Nay: 0—HJ 691
- 04/08/2021 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 657
- 05/03/2021 Senate—Enrolled and presented to Governor on Friday, April 16, 2021—SJ 1106
- 05/03/2021 Senate—Approved by Governor on Friday, April 23, 2021—SJ 1095
- S 128** Bill by Public Health and Welfare  
**Prohibiting disparate treatment by pharmacy benefits managers of certain pharmacies and pharmaceutical services providers.**
- 02/02/2021 Senate—Introduced—SJ 136
- 02/03/2021 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 140
- S 129** Bill by Public Health and Welfare  
**Providing for the licensure of dental therapists.**
- 02/02/2021 Senate—Introduced—SJ 136
- 02/03/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 140
- 02/10/2021 Senate—Hearing: Wednesday, February 17, 2021, 8:30 AM Room 142-S
- S 130** Bill by Senator Faust-Goudeau  
**Amending the definition of "race" in the Kansas act against discrimination to include traits historically associated with race, including hair texture and protective hairstyles.**
- 02/02/2021 Senate—Introduced—SJ 136
- 02/03/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 140
- S 131** Bill by Senator Pittman  
**Regulating funeral processions and permitting funeral escorts to direct traffic for funeral processions.**
- 02/02/2021 Senate—Introduced—SJ 136
- 02/03/2021 Senate—Referred to Committee on Transportation—SJ 140
- 02/17/2021 Senate—Hearing: Wednesday, February 24, 2021, 8:30 AM Room 546-S
- 02/25/2021 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 251
- 03/02/2021 Senate—Committee of the Whole - Be passed—SJ 274
- 03/03/2021 Senate—Final Action - Passed; Yea: 28 Nay: 9
- 03/03/2021 House—Received and Introduced—HJ 431
- 03/04/2021 House—Referred to Committee on Transportation—HJ 432
- S 132** Bill by Senator Pittman  
**Amending credits to on court-imposed fines for community service to the statutory minimum wage.**
- 02/02/2021 Senate—Introduced—SJ 137
- 02/03/2021 Senate—Referred to Committee on Judiciary—SJ 140
- S 133** Bill by Utilities  
**Exempting the retail sale of electricity by public utilities for electric vehicle charging stations from the jurisdiction of the state corporation commission.**
- 02/02/2021 Senate—Introduced—SJ 137
- 02/03/2021 Senate—Hearing: Wednesday, February 10, 2021, 1:30 PM Room 548-S

- 02/03/2021 Senate—Referred to Committee on Utilities—SJ 140
- S 134 Bill by Senator Pittman  
**Requiring state agencies to draft and implement minimum staffing plans.**  
 02/03/2021 Senate—Introduced—SJ 139  
 02/04/2021 Senate—Referred to Committee on Ways and Means—SJ 147
- S 135 Bill by Senator Pittman  
**Providing membership in the KP&F retirement system for security officers of the department of corrections.**  
 02/03/2021 Senate—Introduced—SJ 139  
 02/04/2021 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 147  
 02/10/2021 Senate—Hearing: Tuesday, February 16, 2021, 9:30 AM Room 546-S  
 02/17/2021 Senate—Hearing: Tuesday, February 23, 2021, 9:30 AM Room 546-S
- S 136 Bill by Ways and Means  
**Abolishing the death penalty and creating the crime of aggravated murder.**  
 02/03/2021 Senate—Introduced—SJ 139  
 02/04/2021 Senate—Referred to Committee on Judiciary—SJ 147
- S 137 Bill by Commerce  
**Expanding the military spouse and service member’s expedited licensure law to all applicants who have established or intend to establish residency in Kansas, providing for licenses in an emergency declared by the legislature, allowing telemedicine by out-of-state healthcare providers and permitting the use of electronic credentials.**  
 02/03/2021 Senate—Introduced—SJ 139  
 02/04/2021 Senate—Referred to Committee on Commerce—SJ 147  
 02/17/2021 Senate—Hearing: Tuesday, February 23, 2021, 10:30 AM Room 546-S
- S 138 Bill by Public Health and Welfare  
**Establishing certification and funding for certified community behavioral health clinics.**  
 02/03/2021 Senate—Introduced—SJ 139  
 02/04/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 147  
 02/17/2021 Senate—Hearing: Tuesday, February 23, 2021, 8:30 AM Room 142-S
- S 139 Bill by Public Health and Welfare  
**Permitting the administration of certain tests, questionnaires, surveys and examinations regarding student beliefs and practices on an opt-out basis and providing conditions therefor.**  
 02/03/2021 Senate—Introduced—SJ 139  
 02/04/2021 Senate—Referred to Committee on Education—SJ 147
- S 140 Bill by Senator McGinn  
**Updating membership and requirements of the Kansas state employees health care commission to better reflect the current population of individuals eligible to participate in the state healthcare benefits program.**  
 02/04/2021 Senate—Introduced—SJ 141  
 02/05/2021 Senate—Referred to Committee on Ways and Means—SJ 154
- S 141 Bill by Judiciary  
**Enacting the Kansas uniform directed trust act.**  
 02/04/2021 Senate—Introduced—SJ 141  
 02/05/2021 Senate—Referred to Committee on Judiciary—SJ 154  
 02/05/2021 Senate—Hearing: Monday, February 8, 2021, 10:30 AM Room 346-S
- S 142 Bill by Agriculture and Natural Resources

**Amending certain department of wildlife, parks and tourism statutes by requiring coast guard-approved personal flotation devices as prescribed by the secretary of wildlife, parks and tourism in rules and regulations and updating the reference to the guidelines of the American fisheries society in the commercialization of wildlife statute.**

- 02/04/2021 Senate—Introduced—SJ 142  
 02/05/2021 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 154  
 02/17/2021 Senate—Hearing: Tuesday, February 23, 2021, 8:30 AM Room 144-S  
 02/25/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—SJ 250  
 03/01/2021 Senate—Committee of the Whole - Be passed as amended—SJ 259  
 03/02/2021 Senate—Final Action - Passed as amended; Yea: 36 Nay: 3  
 03/03/2021 House—Received and Introduced—HJ 431  
 03/04/2021 House—Referred to Committee on Agriculture—HJ 432  
 03/10/2021 House—Hearing: Tuesday, March 16, 2021, 3:30 PM Room 112-N  
 03/24/2021 House—Committee Report recommending bill be passed as amended by Committee on Agriculture—HJ 540  
 03/25/2021 House—Committee of the Whole - Be passed as amended—HJ 556  
 03/25/2021 House—Emergency Final Action - Passed as amended; Yea: 102 Nay: 20  
 04/06/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Kerschen, Senator Straub and Senator Ware as conferees—SJ 575  
 04/06/2021 House—Motion to accede adopted; Representative Rahjes, Representative Smith, E. and Representative Carlin appointed as conferees—HJ 652  
 04/08/2021 House—Conference Committee Report was adopted; Yea: 109 Nay: 14—HJ 726  
 04/08/2021 Senate—Conference Committee Report was adopted; Yea: 37 Nay: 2—SJ 691  
 05/03/2021 Senate—Enrolled and presented to Governor on Friday, April 16, 2021—SJ 1106  
 05/03/2021 Senate—Approved by Governor on Wednesday, April 21, 2021—SJ 1095

**S 143** Bill by Agriculture and Natural Resources

**Updating definitions and increasing maximum functional unit license and storage fees relating to grain and public warehouse laws.**

- 02/04/2021 Senate—Introduced—SJ 142  
 02/05/2021 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 154  
 02/17/2021 Senate—Hearing: Wednesday, February 24, 2021, 8:30 AM Room 144-S  
 02/25/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—SJ 251  
 03/01/2021 Senate—Committee of the Whole - Be passed as amended—SJ 259  
 03/02/2021 Senate—Final Action - Passed as amended; Yea: 30 Nay: 9  
 03/10/2021 House—Received and Introduced—HJ 459  
 03/11/2021 House—Referred to Committee on Agriculture—HJ 464  
 03/17/2021 House—Hearing: Monday, March 22, 2021, 3:30 PM Room 112-N

- 03/24/2021 House—Committee Report recommending bill be passed as amended by Committee on Agriculture—HJ 540
- 03/25/2021 House—Committee of the Whole - Be passed as amended—HJ 556
- 03/25/2021 House—Emergency Final Action - Passed as amended; Yea: 117 Nay: 5
- 04/06/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Kerschen, Senator Straub and Senator Ware as conferees—SJ 575
- 04/06/2021 House—Motion to accede adopted; Representative Rahjes, Representative Smith, E. and Representative Carlin appointed as conferees—HJ 652
- 04/08/2021 House—Conference Committee Report was adopted; Yea: 115 Nay: 8—HJ 728
- 04/08/2021 Senate—Conference Committee Report was adopted; Yea: 33 Nay: 6—SJ 693
- 05/03/2021 Senate—Enrolled and presented to Governor on Friday, April 16, 2021—SJ 1106
- 05/03/2021 Senate—Approved by Governor on Wednesday, April 21, 2021—SJ 1095
- S 144** Bill by Education  
**Making the high-density at-risk student weighting of the Kansas school equity and enhancement act permanent by removing the sunset.**
- 02/04/2021 Senate—Introduced—SJ 142
- 02/05/2021 Senate—Referred to Committee on Education—SJ 154
- 02/15/2021 Senate—Hearing: Friday, February 19, 2021, 1:30 PM Room 144-S
- S 145** Bill by Ways and Means  
**Authorizing the Kansas department of wildlife, parks and tourism to purchase land in Kingman county.**
- 02/04/2021 Senate—Introduced—SJ 142
- 02/05/2021 Senate—Referred to Committee on Ways and Means—SJ 154
- 03/10/2021 Senate—Hearing: Monday, March 15, 2021, 10:30 AM Room 548-S
- 03/16/2021 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 360
- 03/25/2021 Senate—Committee of the Whole - Be passed—SJ 416
- 03/25/2021 Senate—Emergency Final Action - Passed; Yea: 33 Nay: 7
- 03/26/2021 House—Received and Introduced—HJ 573
- 03/29/2021 House—Referred to Committee on Appropriations—HJ 595
- S 146** Bill by Transportation  
**Providing that the highway patrol will provide the administration and oversight of state certified ignition interlock manufacturers and their service providers.**
- 02/04/2021 Senate—Introduced—SJ 142
- 02/05/2021 Senate—Referred to Committee on Transportation—SJ 154
- 03/04/2021 Senate—Withdrawn from Committee on Transportation; Referred to Committee on Federal and State Affairs—SJ 317
- 03/05/2021 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Transportation—SJ 320
- 03/18/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 381

- 03/23/2021 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 390
- S 147** Bill by Assessment and Taxation  
**Defining and providing a sales tax exemption for nonprofit integrated community care organizations and providing a sales tax exemption for friends of hospice of Jefferson county.**  
 02/04/2021 Senate—Introduced—SJ 142  
 02/05/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 154  
 02/17/2021 Senate—Hearing: Thursday, February 25, 2021, 9:30 AM Room 548-S  
 02/25/2021 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 251  
 03/03/2021 Senate—Committee of the Whole - Be passed—SJ 307  
 03/03/2021 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0  
 03/04/2021 House—Received and Introduced—HJ 433  
 03/05/2021 House—Referred to Committee on Taxation—HJ 456  
 03/10/2021 House—Hearing: Thursday, March 18, 2021, 3:30 PM Room 346-S  
 03/29/2021 House—Committee Report recommending bill be passed as amended by Committee on Taxation—HJ 615
- S 148** Bill by Assessment and Taxation  
**Exempting grocery stores from sales tax assessments for community improvement districts.**  
 02/04/2021 Senate—Introduced—SJ 142  
 02/05/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 154
- S 149** Bill by Assessment and Taxation  
**Providing for reimbursement of property taxes from county government for business shutdown or capacity limitation caused by the county.**  
 02/04/2021 Senate—Introduced—SJ 142  
 02/05/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 154  
 03/04/2021 Senate—Hearing: Thursday, March 11, 2021, 9:30 AM Room 548-S
- S 150** Bill by Judiciary  
**Defining and prohibiting certain deceptive lawsuit advertising practices and restricting the use or disclosure of protected health information to solicit individuals for legal services.**  
 02/04/2021 Senate—Introduced—SJ 142  
 02/05/2021 Senate—Referred to Committee on Judiciary—SJ 154  
 02/09/2021 Senate—Hearing: Tuesday, February 16, 2021, 10:30 AM Room 346-S  
 03/04/2021 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 317  
 03/05/2021 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Judiciary—SJ 320
- S 151** Bill by Judiciary  
**Enacting limitations on contingency fee agreements in certain civil actions.**  
 02/04/2021 Senate—Introduced—SJ 142  
 02/05/2021 Senate—Referred to Committee on Judiciary—SJ 154
- S 152** Bill by Judiciary  
**Providing for joint liability for costs and sanctions in third-party funded litigation, requiring certain discovery disclosures and requiring payment of certain costs for nonparty subpoenas.**

- 02/04/2021 Senate—Introduced—SJ 142
- 02/05/2021 Senate—Referred to Committee on Judiciary—SJ 154
- S 153** Bill by Local Government  
**Establishing election procedures for the imposition of term limits on members of the board of county commissioners.**
- 02/04/2021 Senate—Introduced—SJ 142
- 02/05/2021 Senate—Referred to Committee on Local Government—SJ 154
- 02/17/2021 Senate—Hearing: Tuesday, February 23, 2021, 9:30 AM Room 142-S
- S 154** Bill by Ways and Means  
**Increasing reimbursement rates for providers of home and community-based services under the intellectual or developmental disability waiver, making appropriations for such rates and providing for legislative review of the waiting list for such services.**
- 02/04/2021 Senate—Introduced—SJ 143
- 02/05/2021 Senate—Referred to Committee on Ways and Means—SJ 154
- 03/10/2021 Senate—Hearing: Wednesday, March 17, 2021, 10:30 AM Room 548-S
- 03/24/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 408
- S 155** Bill by Ways and Means  
**Expanding newborn screening services and increasing transfers from the medical assistance fee fund to the Kansas newborn screening fund.**
- 02/04/2021 Senate—Introduced—SJ 143
- 02/05/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 154
- S 156** Bill by Senator Holscher  
**Prohibiting the carrying of a concealed handgun in the state capitol.**
- 02/04/2021 Senate—Introduced—SJ 143
- 02/05/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 154
- S 157** Bill by Senator Holscher  
**Requiring election commissioners currently appointed by the secretary of state to be elected.**
- 02/04/2021 Senate—Introduced—SJ 143
- 02/05/2021 Senate—Referred to Committee on Transparency and Ethics—SJ 154
- S 158** Bill by Transportation  
**House Substitute for SB 158 by Committee on Federal and State Affairs - Creating the Kansas medical marijuana regulation act.**
- 02/04/2021 Senate—Introduced—SJ 143
- 02/05/2021 Senate—Referred to Committee on Transportation—SJ 154
- 03/04/2021 Senate—Withdrawn from Committee on Transportation; Referred to Committee on Federal and State Affairs—SJ 317
- 03/05/2021 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Transportation—SJ 320
- 03/12/2021 Senate—Hearing: Wednesday, March 17, 2021, 8:30 AM Room 546-S
- 03/18/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 380
- 03/25/2021 Senate—Committee of the Whole - Be passed as amended—SJ 416
- 03/25/2021 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0
- 03/26/2021 House—Received and Introduced—HJ 573
- 03/29/2021 House—Referred to Committee on Federal and State Affairs—HJ 595
- 03/31/2021 House—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—HJ 647

- 04/06/2021 House—Withdrawn from Calendar, Rereferred to Committee on Federal and State Affairs
- 05/05/2021 House—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—HJ 1308
- 05/06/2021 House—Committee of the Whole - Substitute bill be passed as amended—HJ 1399
- 05/06/2021 House—Emergency Final Action - Substitute passed as amended; Yea: 79 Nay: 42—HJ 1400
- 05/07/2021 Senate—Ruled materially changed and referred to Committee on Federal and State Affairs—SJ 1400
- S 159** Bill by Joint Special Claims Against the State  
**Appropriations for FY 2021, FY 2022, and FY 2023, for various state agencies; authorizing the payment of certain claims against the state; authorizing certain transfers and capital improvement projects.**
- 02/05/2021 Senate—Introduced—SJ 154
- 02/08/2021 Senate—Referred to Committee on Ways and Means—SJ 159
- 02/16/2021 Senate—Hearing: Wednesday, February 17, 2021, 10:30 AM Room 548-S
- 02/22/2021 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 237
- 03/01/2021 Senate—Committee of the Whole - Be passed—SJ 259
- 03/02/2021 Senate—Final Action - Passed; Yea: 39 Nay: 0
- 03/02/2021 House—Received and Introduced—HJ 357
- 03/03/2021 House—Referred to Committee on Appropriations—HJ 361
- 03/10/2021 House—Hearing: Tuesday, March 16, 2021, 9:00 AM Room 112-N
- 03/25/2021 House—Committee Report recommending bill be passed as amended by Committee on Appropriations—HJ 562
- 03/30/2021 House—Committee of the Whole - Be passed as amended—HJ 639
- 03/30/2021 House—Emergency Final Action - Passed as amended; Yea: 106 Nay: 17
- 04/06/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Billinger, Senator Claeys and Senator Hawk as conferees—SJ 577
- 04/07/2021 House—Motion to accede adopted; Representative Waymaster, Representative Hoffman and Representative Wolfe Moore appointed as conferees—HJ 658
- 05/07/2021 House—Conference Committee Report was adopted; Yea: 98 Nay: 21—HJ 1427
- 05/07/2021 Senate—Conference Committee Report was adopted; Yea: 26 Nay: 12—SJ 1375
- 05/26/2021 Senate—Enrolled and presented to Governor on Friday, May 14, 2021
- 05/26/2021 Senate—Approved by Governor except line item veto of Section 46(a) on Friday, May 21, 2021
- 05/26/2021 Senate—No motion to reconsider line item veto; Veto sustained on Section 46(a)
- S 160** Bill by Agriculture and Natural Resources  
**Updating the reference to the guidelines of the American fisheries society in the commercialization of wildlife statute.**
- 02/08/2021 Senate—Introduced—SJ 156
- 02/09/2021 Senate—Referred to Committee on Agriculture and Natural Resources

—SJ 164

- 02/22/2021 Senate—Hearing: Wednesday, February 24, 2021, 8:30 AM Room 144-S
- 02/25/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Agriculture and Natural Resources—SJ 251
- 03/02/2021 Senate—Consent Calendar Passed Yea: 38 Nay: 1—SJ 270
- 03/03/2021 House—Received and Introduced—HJ 431
- 03/04/2021 House—Referred to Committee on Agriculture—HJ 432
- 03/17/2021 House—Hearing: Monday, March 22, 2021, 3:30 PM Room 112-N
- 03/24/2021 House—Committee Report recommending bill be passed as amended by Committee on Agriculture—HJ 540
- 03/25/2021 House—Committee of the Whole - Be passed as amended—HJ 556
- 03/25/2021 House—Emergency Final Action - Passed as amended; Yea: 120 Nay: 2
- 04/06/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Kerschen, Senator Straub and Senator Ware as conferees—SJ 575
- 04/06/2021 House—Motion to accede adopted; Representative Rahjes, Representative Smith, E. and Representative Carlin appointed as conferees—HJ 652
- 05/06/2021 Senate—Senator Warren, Senator Wilborn, and Senator Haley are appointed to replace Senator Kerschen, Senator Straub, and Senator Ware on the Conference Committee—SJ 1256

**S 161**

Bill by Commerce

**Providing for the use of personal package delivery devices on sidewalks and crosswalks, exempting such devices from motor vehicle regulation and limiting additional municipal regulation.**

- 02/08/2021 Senate—Introduced—SJ 156
- 02/09/2021 Senate—Referred to Committee on Commerce—SJ 164
- 02/17/2021 Senate—Hearing: Wednesday, February 24, 2021, 10:30 AM Room 546-S
- 03/04/2021 Senate—Withdrawn from Committee on Commerce; Referred to Committee on Federal and State Affairs—SJ 317
- 03/05/2021 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Commerce—SJ 320
- 03/19/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 382

**S 162**

Bill by Commerce

**Providing for an emergency expansion of the employment security board of review with a sunset of June 30, 2024.**

- 02/08/2021 Senate—Introduced—SJ 156
- 02/09/2021 Senate—Referred to Committee on Commerce—SJ 164

**S 163**

Bill by Commerce

**Amending unemployment insurance disqualification provisions relating to dates disqualification begins, recovery from illness or injury and part-time employment for an educational institution.**

- 02/08/2021 Senate—Introduced—SJ 156
- 02/09/2021 Senate—Referred to Committee on Commerce—SJ 164
- 02/17/2021 Senate—Hearing: Thursday, February 25, 2021, 10:30 AM Room 546-S
- 03/17/2021 Senate—Hearing: Tuesday, March 23, 2021, 10:30 AM Room 546-S

- S 164 Bill by Senator Holland  
**Concerning an employer's maximum liability for permanent total disability compensation and requiring an employer to pay such disabled employee during the continuance of such disability from the date of maximum medical improvement for the lifetime of the employee at the weekly rate of the compensation in effect on the date of injury for which compensation is being made.**  
 02/08/2021 Senate—Introduced—SJ 156  
 02/09/2021 Senate—Referred to Committee on Commerce—SJ 164
- S 165 Bill by Senator Corson  
**Removing the requirement of residency for election commissioners.**  
 02/08/2021 Senate—Introduced—SJ 156  
 02/09/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 164
- S 166 Bill by Senator Corson  
**Authorizing county election officers to transmit advance voting ballots up to 40 days prior to the election.**  
 02/08/2021 Senate—Introduced—SJ 156  
 02/09/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 164
- S 167 Bill by Senator Corson  
**House Substitute for SB 167 by Committee on Transportation - Requiring drivers to yield the right-of-way and move over for authorized utility or telecommunication vehicles.**  
 02/08/2021 Senate—Introduced—SJ 156  
 02/09/2021 Senate—Referred to Committee on Transportation—SJ 164  
 02/17/2021 Senate—Hearing: Wednesday, February 24, 2021, 8:30 AM Room 546-S  
 02/25/2021 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 251  
 03/02/2021 Senate—Committee of the Whole - Be passed as amended—SJ 274  
 03/03/2021 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0  
 03/10/2021 House—Received and Introduced—HJ 459  
 03/11/2021 House—Referred to Committee on Transportation—HJ 464  
 03/15/2021 House—Hearing: Wednesday, March 17, 2021, 1:30 PM Room 582-N  
 03/26/2021 House—Committee Report recommending substitute bill be passed by Committee on Transportation—HJ 593  
 03/31/2021 House—Stricken from Calendar by Rule 1507—HJ 647
- S 168 Bill by Ways and Means  
**Updating certain provisions of the prescription monitoring program act relating to program data, storage and access, increasing the membership of the advisory committee and providing for setup and annual maintenance fees for program data integration**  
 02/08/2021 Senate—Introduced—SJ 156  
 02/09/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 164
- S 169 Bill by Ways and Means  
**Authorizing the legislative coordinating council to prohibit the carrying of concealed handguns in the state capitol.**  
 02/08/2021 Senate—Introduced—SJ 157  
 02/09/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 164
- S 170 Bill by Ways and Means  
**Enacting the psychology interjurisdictional compact to provide for**

**interjurisdictional authorization to practice telepsychology and temporary in-person, face-to-face psychology and enacting the physical therapy licensure compact and authorizing criminal history record checks in the physical therapy practice act.**

- 02/08/2021 Senate—Introduced—SJ 157  
 02/09/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 164  
 02/17/2021 Senate—Hearing: Tuesday, February 23, 2021, 8:30 AM Room 142-S  
 02/24/2021 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 245  
 03/02/2021 Senate—Committee of the Whole - Be passed—SJ 274  
 03/03/2021 Senate—Final Action - Passed; Yea: 39 Nay: 0  
 03/03/2021 House—Received and Introduced—HJ 431  
 03/04/2021 House—Referred to Committee on Health and Human Services—HJ 432  
 03/11/2021 House—Hearing: Monday, March 15, 2021, 1:30 PM Room 112-N  
 03/16/2021 House—Committee Report recommending bill be passed as amended by Committee on Health and Human Services—HJ 489  
 03/18/2021 House—Committee of the Whole - Be passed as amended—HJ 508  
 03/18/2021 House—Emergency Final Action - Passed as amended; Yea: 98 Nay: 23  
 03/18/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Hilderbrand, Senator Gossage and Senator Pettey as conferees—SJ 374  
 03/22/2021 House—Motion to accede adopted; Representative Landwehr, Representative Eplee and Representative Parker appointed as conferees—HJ 516  
 04/09/2021 House—Conference Committee Report was adopted; Yea: 119 Nay: 4—HJ 835  
 05/05/2021 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 1217  
 05/26/2021 Senate—Enrolled and presented to Governor on Tuesday, May 11, 2021  
 05/26/2021 Senate—Approved by Governor on Monday, May 17, 2021

**S 171** Bill by Ways and Means

**Providing for adjusted sales tax rates for food and food ingredients.**

- 02/08/2021 Senate—Introduced—SJ 157  
 02/09/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 164

**S 172** Bill by Utilities

**Creating the crimes of trespassing on a critical infrastructure facility and criminal damage to a critical infrastructure facility and eliminating the crime of tampering with a pipeline.**

- 02/08/2021 Senate—Introduced—SJ 157  
 02/09/2021 Senate—Referred to Committee on Utilities—SJ 164  
 02/10/2021 Senate—Hearing: Tuesday, February 16, 2021, 1:30 PM Room 548-S  
 02/18/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Utilities—SJ 224  
 03/01/2021 Senate—Committee of the Whole - Motion to refer to committee failed Committee on Judiciary  
 03/01/2021 Senate—Committee of the Whole - Be passed as amended—SJ 258  
 03/02/2021 Senate—Final Action - Passed as amended; Yea: 29 Nay: 9  
 03/03/2021 House—Received and Introduced—HJ 431  
 03/04/2021 House—Referred to Committee on Judiciary—HJ 432

- 03/10/2021 House—Hearing: Wednesday, March 17, 2021, 3:30 PM Room 582-N  
 03/25/2021 House—Committee Report recommending bill be passed as amended  
 by Committee on Judiciary—HJ 569  
 03/29/2021 House—Committee of the Whole - Be passed as amended—HJ 611  
 03/30/2021 House—Final Action - Passed as amended; Yea: 82 Nay: 42—HJ 626  
 03/30/2021 Senate—Concurred with amendments; Yea: 37 Nay: 2—SJ 488  
 04/09/2021 Senate—Enrolled and presented to Governor on Friday, April 9, 2021—  
 SJ 1092  
 04/09/2021 Senate—Approved by Governor on Friday, April 9, 2021—SJ 1092
- S 173** Bill by Education  
**Extending the high-density at-risk student weighting, requiring certain transfers to the at-risk fund of a school district and establishing requirements for school district at-risk fund expenditures and for identification of students eligible to receive at-risk programs and services.**  
 02/08/2021 Senate—Introduced—SJ 157  
 02/09/2021 Senate—Referred to Committee on Education—SJ 164  
 02/15/2021 Senate—Hearing: Thursday, February 18, 2021, 1:30 PM Room 144-S  
 03/01/2021 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Education—SJ 263  
 03/04/2021 Senate—Withdrawn from Calendar; Referred to Committee on Federal  
 and State Affairs—SJ 317  
 03/05/2021 Senate—Withdrawn from Committee on Federal and State Affairs and  
 re-referred to Committee of the Whole—SJ 320
- S 174** Bill by Public Health and Welfare  
**Updating scope of practice requirements for advanced practice registered nurses without a supervising physician, imposing requirements therefor and updating certain licensure requirements.**  
 02/08/2021 Senate—Introduced—SJ 157  
 02/09/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 164  
 02/10/2021 Senate—Hearing: Thursday, February 18, 2021, 8:30 AM Room 142-S  
 03/05/2021 Senate—Withdrawn from Committee on Public Health and Welfare;  
 Referred to Committee on Federal and State Affairs—SJ 320  
 03/10/2021 Senate—Withdrawn from Committee on Federal and State Affairs;  
 Rereferred to Committee on Public Health and Welfare—SJ 324
- S 175** Bill by Public Health and Welfare  
**Enacting the rural emergency hospital act to provide for the licensure of rural emergency hospitals and establishing the rural hospital innovation grant program to assist rural hospitals in serving rural communities.**  
 02/08/2021 Senate—Introduced—SJ 157  
 02/09/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 164  
 02/16/2021 Senate—Hearing: Friday, February 19, 2021, 8:30 AM Room 142-S  
 02/24/2021 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Public Health and Welfare—SJ 245  
 03/01/2021 Senate—Committee of the Whole - Be passed as amended—SJ 259  
 03/02/2021 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0  
 03/03/2021 House—Received and Introduced—HJ 431  
 03/04/2021 House—Referred to Committee on Health and Human Services—HJ  
 432  
 03/17/2021 House—Committee Report recommending bill be passed as amended

- by Committee on Health and Human Services—HJ 498
- 03/24/2021 House—Committee of the Whole - Be passed as amended—HJ 540
- 03/25/2021 House—Final Action - Passed as amended; Yea: 119 Nay: 3
- 03/25/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Hilderbrand, Senator Gossage and Senator Pettey as conferees—SJ 414
- 03/29/2021 House—Motion to accede adopted; Representative Landwehr, Representative Eplee and Representative Parker appointed as conferees—HJ 595
- 04/06/2021 Senate—Senator Baumgardner, Senator Erickson, and Senator Sykes are appointed to replace Senator Hilderbrand, Senator Gossage, and Senator Pettey on the Conference Committee—SJ 576
- 04/06/2021 House—Representative Williams, Representative Hoffman, and Representative Winn are appointed to replace Representative Landwehr, Representative Eplee, and Representative Parker on the Conference Committee—HJ 652
- 04/07/2021 House—Conference Committee Report agree to disagree adopted; Representative Williams, Representative Hoffman and Representative Winn appointed as second conferees—HJ 662
- 04/07/2021 Senate—Conference Committee Report agree to disagree adopted; Senator Baumgardner, Senator Erickson and Senator Sykes appointed as second conferees—SJ 613
- 04/08/2021 House—Conference Committee Report was adopted; Yea: 64 Nay: 59—HJ 729
- 04/08/2021 Senate—Conference Committee Report not adopted; Yea: 19 Nay: 19—SJ 706
- 04/09/2021 Senate—Motion to Reconsider Adopted—SJ 757
- 04/09/2021 Senate—Conference Committee Report not adopted; Yea: 20 Nay: 20—SJ 757

**S 176** Bill by Commerce

**Enacting the Kansas home inspectors professional competence and financial responsibility act and providing for registration for home inspectors with oversight by the attorney general.**

- 02/09/2021 Senate—Introduced—SJ 161
- 02/10/2021 Senate—Referred to Committee on Commerce—SJ 198
- 02/17/2021 Senate—Hearing: Wednesday, February 24, 2021, 10:30 AM Room 546-S

**S 177** Bill by Commerce

**Changing provisions of the employment security law including creation of the unemployment compensation modernization and improvement council, development of a new unemployment insurance information technology system, provision of tax information to claimants, publication of trust fund data, the maximum benefit period, the charging of employer accounts for benefits paid, employer contribution rate determination and schedules, abolishment of the employment security interest assessment fund, crediting of employer accounts for fraudulent or erroneous payments, transfers from the state general fund to the unemployment insurance trust fund for improper benefit payments, changes to the shared work compensation program and other unemployment trust fund provisions.**

- 02/09/2021 Senate—Introduced—SJ 161  
 02/10/2021 Senate—Referred to Committee on Commerce—SJ 198  
 02/10/2021 Senate—Hearing: (proponents) Monday, February 15, 2021, 10:30 AM  
 Room 546-S  
 02/10/2021 Senate—Hearing continuation: Wednesday, February 17, 2021, 10:30  
 AM Room 546-S  
 02/12/2021 Senate—Hearing: (proponents) Tuesday, February 16, 2021, 10:30 AM  
 Room 546-S  
 02/15/2021 Senate—Hearing: (neutral) Thursday, February 18, 2021, 10:30 AM  
 Room 546-S  
 02/15/2021 Senate—Hearing: (opponents) Thursday, February 18, 2021, 10:30 AM  
 Room 546-S  
 02/15/2021 Senate—Hearing: (proponents) Wednesday, February 17, 2021, 10:30  
 AM Room 546-S  
 03/04/2021 Senate—Withdrawn from Committee on Commerce; Referred to  
 Committee on Federal and State Affairs—SJ 317  
 03/05/2021 Senate—Withdrawn from Committee on Federal and State Affairs;  
 Rereferred to Committee on Commerce—SJ 320
- S 178** Bill by Financial Institutions and Insurance  
**Providing for trust company charter conversions.**  
 02/09/2021 Senate—Introduced—SJ 162  
 02/10/2021 Senate—Referred to Committee on Financial Institutions and Insurance  
 —SJ 198  
 02/10/2021 Senate—Hearing: Wednesday, February 17, 2021, 9:30 AM Room 546-  
 S  
 02/25/2021 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Financial Institutions and Insurance—SJ 251  
 03/02/2021 Senate—Committee of the Whole - Be passed as amended—SJ 274  
 03/03/2021 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0  
 03/10/2021 House—Received and Introduced—HJ 459  
 03/11/2021 House—Referred to Committee on Financial Institutions and Rural  
 Development—HJ 464  
 03/11/2021 House—Hearing: Monday, March 15, 2021, 9:00 AM Room 218-N  
 03/16/2021 House—Committee Report recommending bill be passed as amended  
 by Committee on Financial Institutions and Rural Development—HJ 488  
 03/17/2021 House—Committee of the Whole - Be passed as amended—HJ 498  
 03/18/2021 House—Final Action - Passed as amended; Yea: 121 Nay: 1  
 03/18/2021 Senate—Nonconcurrent with amendments; Conference Committee  
 requested; appointed Senator Longbine, Senator Fagg and Senator Pittman  
 as conferees—SJ 374  
 03/22/2021 House—Motion to accede adopted; Representative Kelly,  
 Representative Hoheisel and Representative Xu appointed as conferees—  
 HJ 516  
 04/09/2021 Senate—Concurred with amendments in conference; Yea: 38 Nay: 0—  
 SJ 1091  
 05/03/2021 Senate—Enrolled and presented to Governor on Friday, April 16, 2021  
 —SJ 1106  
 05/03/2021 Senate—Approved by Governor on Wednesday, April 21, 2021—SJ  
 1095
- S 179** Bill by Senator Pittman

- Designating February 15 of each year as Susan B. Anthony Day in the state of Kansas.**  
 02/09/2021 Senate—Introduced—SJ 162  
 02/10/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 198
- S 180** Bill by Senators Peck, Bowers, Corson, Hilderbrand, Kloos, McGinn, Pittman, Steffen, Thompson
- Providing a sales tax exemption for certain purchases by disabled veterans.**  
 02/09/2021 Senate—Introduced—SJ 162  
 02/10/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 198  
 03/10/2021 Senate—Hearing: Thursday, March 18, 2021, 9:30 AM Room 548-S
- S 181** Bill by Federal and State Affairs
- Creating the elevator safety act to require inspections of elevators and licensure for elevator installation and repair.**  
 02/09/2021 Senate—Introduced—SJ 162  
 02/10/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 198  
 02/10/2021 Senate—Hearing: Thursday, February 18, 2021, 10:30 AM Room 144-S  
 03/24/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 407  
 03/29/2021 Senate—Committee of the Whole - Be passed as further amended—SJ 440  
 03/30/2021 Senate—Final Action - Passed; Yea: 32 Nay: 7  
 04/06/2021 House—Received and Introduced—HJ 650  
 04/07/2021 House—Referred to Committee on Federal and State Affairs—HJ 657
- S 182** Bill by Federal and State Affairs
- Requiring electronic filing of campaign reports by candidates for state office unless an exemption is granted for cause.**  
 02/09/2021 Senate—Introduced—SJ 162  
 02/10/2021 Senate—Referred to Committee on Transparency and Ethics—SJ 198  
 02/17/2021 Senate—Hearing: Wednesday, February 24, 2021, 9:30 AM Room 142-S
- S 183** Bill by Federal and State Affairs
- Requiring equipment and other personal property purchased with campaign funds by a candidate terminating their candidacy be sold or purchased by the candidate for fair market value and the money disposed of in the same manner as residual funds.**  
 02/09/2021 Senate—Introduced—SJ 162  
 02/10/2021 Senate—Referred to Committee on Transparency and Ethics—SJ 198
- S 184** Bill by Senator Corson
- Authorizing any registered voter to apply for permanent advance voting status.**  
 02/09/2021 Senate—Introduced—SJ 162  
 02/10/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 198
- S 185** Bill by Education
- Clarifying the authority of the Kansas commission for the deaf and hard of hearing with regard to registration of interpreters, establishing guidelines for communication access services and authorizing the adoption of rules and regulations.**  
 02/09/2021 Senate—Introduced—SJ 162  
 02/10/2021 Senate—Referred to Committee on Education—SJ 198  
 02/25/2021 Senate—Committee Report recommending bill be passed by Committee on Education—SJ 251

- 03/03/2021 Senate—Committee of the Whole - Be passed as amended—SJ 291  
 03/03/2021 Senate—Emergency Final Action - Passed; Yea: 24 Nay: 15  
 03/10/2021 House—Received and Introduced—HJ 459  
 03/11/2021 House—Referred to Committee on Education—HJ 464  
 03/17/2021 House—Hearing: Wednesday, March 24, 2021, 1:30 PM Room 218-N  
 03/25/2021 House—Committee Report recommending bill be passed by Committee on Education—HJ 562  
 03/31/2021 House—Withdrawn from Calendar; Referred to Committee on Appropriations—HJ 646
- S 186** Bill by Transportation  
**Permitting the secretary of transportation to contract with the Kansas turnpike authority to enforce toll payments and permitting the secretary of transportation to use tolls to support public transit and other improvements on a toll project.**  
 02/09/2021 Senate—Introduced—SJ 162  
 02/10/2021 Senate—Referred to Committee on Transportation—SJ 198
- S 187** Bill by Senator Steffen  
**Prohibiting internet social media terms of service that permit censorship of speech.**  
 02/09/2021 Senate—Introduced—SJ 163  
 02/10/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 198  
 03/17/2021 Senate—Hearing: Wednesday, March 24, 2021, 10:30 AM Room 144-S
- S 188** Bill by Senator Haley  
**Enacting the national popular vote interstate compact for electing the president of the United States.**  
 02/09/2021 Senate—Introduced—SJ 163  
 02/10/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 198
- S 189** Bill by Senator Holland  
**Requiring use of the fourth edition of the AMA medical guide to determine impairment for awarding workers compensation benefits.**  
 02/09/2021 Senate—Introduced—SJ 163  
 02/10/2021 Senate—Referred to Committee on Commerce—SJ 198
- S 190** Bill by Federal and State Affairs  
**Creating the Kansas protection of firearm rights act to restore the right to possess a firearm upon expungement of certain convictions.**  
 02/09/2021 Senate—Introduced—SJ 163  
 02/10/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 198  
 02/12/2021 Senate—Hearing: Wednesday, February 17, 2021, 10:30 AM Room 144-S
- S 191** Bill by Transparency and Ethics  
**Providing for the appointment of election commissioners in the four largest counties by the board of county commissioners instead of the secretary of state.**  
 02/09/2021 Senate—Introduced—SJ 163  
 02/10/2021 Senate—Referred to Committee on Transparency and Ethics—SJ 198
- S 192** Bill by Senators Sykes, Corson, Faust-Goudeau, Francisco, Hawk, Holscher, Pettey, Ware  
**Requiring relinquishment of firearms pursuant to certain court orders related to domestic violence.**  
 02/09/2021 Senate—Introduced—SJ 163

- 02/10/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 198  
**S 193** Bill by Senator Holland  
**Expanding the definition of compensable personal injury in workers compensation law to include mental injuries suffered from physical injury, emotional shock or after a series of work-related events.**
- 02/09/2021 Senate—Introduced—SJ 163  
 02/10/2021 Senate—Referred to Committee on Commerce—SJ 198  
**S 194** Bill by Commerce  
**Removing an employment security law restriction on leasing of certain employees by client lessees of lessor employing units.**
- 02/09/2021 Senate—Introduced—SJ 163  
 02/10/2021 Senate—Referred to Committee on Commerce—SJ 198  
**S 195** Bill by Senator Haley  
**Increasing the penalty for certain violations of criminal discharge of a firearm when a person was present in the dwelling, building, structure or motor vehicle at which the offender discharged a firearm and when a person less than 14 years of age was present in the dwelling, building, structure or motor vehicle at which the offender discharged a firearm.**
- 02/09/2021 Senate—Introduced—SJ 163  
 02/10/2021 Senate—Referred to Committee on Judiciary—SJ 198  
**S 196** Bill by Senator Haley  
**Requiring courts to order a defendant to pay certain restitution when the defendant's offense resulted in the incapacitation or death of a victim who has a minor child or children.**
- 02/09/2021 Senate—Introduced—SJ 163  
 02/10/2021 Senate—Referred to Committee on Judiciary—SJ 198  
**S 197** Bill by Senator Haley  
**Requiring law enforcement agencies to increase data collection and reporting on racial profiling and other biased policing.**
- 02/09/2021 Senate—Introduced—SJ 163  
 02/10/2021 Senate—Referred to Committee on Judiciary—SJ 198  
**S 198** Bill by Senator Haley  
**Amending Kansas open records act provisions regarding access to certain law enforcement audio and video recordings and enacting the police and citizen protection act regarding use of body cameras by law enforcement officers.**
- 02/09/2021 Senate—Introduced—SJ 164  
 02/10/2021 Senate—Referred to Committee on Judiciary—SJ 198  
**S 199** Bill by Public Health and Welfare  
**Providing for short-term, limited-duration health plans.**
- 02/10/2021 Senate—Introduced—SJ 196  
 02/11/2021 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 202  
 03/04/2021 Senate—Withdrawn from Committee on Financial Institutions and Insurance; Referred to Committee on Federal and State Affairs—SJ 317  
 03/05/2021 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Financial Institutions and Insurance—SJ 320  
 03/17/2021 Senate—Hearing: Thursday, March 18, 2021, 9:30 AM Room 546-S  
 03/23/2021 Senate—Hearing continuation: Thursday, March 25, 2021, 9:30 AM Room 546-S

- 03/26/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 434
- 03/31/2021 Senate—Committee of the Whole - Be passed as amended
- 03/31/2021 Senate—Emergency Final Action - Passed as amended; Yea: 27 Nay: 6
- 04/06/2021 House—Received and Introduced—HJ 650
- 04/07/2021 House—Referred to Committee on Insurance and Pensions—HJ 657
- S 200** Bill by Public Health and Welfare  
**Expanding the pharmacist's scope of practice to include point-of-care testing for and treatment of certain health conditions.**
- 02/10/2021 Senate—Introduced—SJ 196
- 02/11/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 202
- 02/17/2021 Senate—Hearing: Thursday, February 25, 2021, 8:30 AM Room 142-S
- S 201** Bill by Senator Corson  
**Authorizing voter registration for individuals 16 years of age or older.**
- 02/10/2021 Senate—Introduced—SJ 196
- 02/11/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 202
- S 202** Bill by Senators Holland, Alley, Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holscher, Olson, Pettey, Pittman, Sykes, Ware  
**Enacting the COVID-19 taxpayer and small business owner relief act including the UI fraud protection act exempting unemployment compensation income attributable to identity fraud, the retail storefront small business owner rebate act providing a refundable credit for certain retail storefront property tax and the small business property tax increase relief act establishing a payment plan for certain extraordinary increases in property taxation.**
- 02/10/2021 Senate—Introduced—SJ 196
- 02/11/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 202
- S 203** Bill by Senator Sykes  
**Allowing injured employees to designate their healthcare provider and requiring the employer to pay for the services of such healthcare provider with regard to workers compensation.**
- 02/10/2021 Senate—Introduced—SJ 196
- 02/11/2021 Senate—Referred to Committee on Commerce—SJ 202
- S 204** Bill by Judiciary  
**Prohibiting a court from requiring psychiatric or psychological examinations of an alleged victim of any crime.**
- 02/10/2021 Senate—Introduced—SJ 196
- 02/11/2021 Senate—Referred to Committee on Judiciary—SJ 202
- 02/12/2021 Senate—Hearing: Wednesday, February 17, 2021, 10:30 AM Room 346-S
- 02/17/2021 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 217
- 02/23/2021 Senate—Consent Calendar Passed Yea: 38 Nay: 0—SJ 241
- 02/24/2021 House—Received and Introduced—HJ 280
- 02/25/2021 House—Referred to Committee on Judiciary—HJ 293
- 03/05/2021 House—Hearing: Thursday, March 11, 2021, 3:30 PM Room 582-N
- 03/25/2021 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 569
- 03/31/2021 House—Stricken from Calendar by Rule 1507—HJ 647
- S 205** Bill by Judiciary

- Enacting the uniform partition of heirs property act to prescribe procedures and requirements for partition of certain real property.**  
 02/10/2021 Senate—Introduced—SJ 196  
 02/11/2021 Senate—Referred to Committee on Judiciary—SJ 202
- S 206** Bill by Judiciary  
**Enacting the fairness in condemnation act to require the condemning authority to provide the property owner notice of a planned condemnation proceeding, an offer for purchase and a court review of compliance with this act.**  
 02/10/2021 Senate—Introduced—SJ 196  
 02/11/2021 Senate—Referred to Committee on Judiciary—SJ 202  
 03/04/2021 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 317  
 03/05/2021 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Judiciary—SJ 320
- S 207** Bill by Senator Steffen  
**Providing additional regulation and restrictions for out-of-state doctors to practice telemedicine in the state of Kansas.**  
 02/10/2021 Senate—Introduced—SJ 197  
 02/11/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 202
- S 208** Bill by Federal and State Affairs  
**Creating the fairness in women's sports act to require that female student athletic teams only include members who are biologically female.**  
 02/10/2021 Senate—Introduced—SJ 197  
 02/11/2021 Senate—Referred to Committee on Education—SJ 202  
 02/17/2021 Senate—Hearing: Tuesday, February 23, 2021, 1:30 PM Room 144-S  
 03/16/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 358  
 03/17/2021 Senate—Committee of the Whole - Be passed as amended—SJ 364  
 03/17/2021 Senate—Emergency Final Action - Passed as amended; Yea: 24 Nay: 10  
 03/19/2021 House—Received and Introduced—HJ 514  
 03/22/2021 House—Referred to Committee on Education—HJ 515
- S 209** Bill by Federal and State Affairs  
**Restrictions on third party solicitations to registered voters to file an application for an advance voting ballot.**  
 02/10/2021 Senate—Introduced—SJ 197  
 02/11/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 202  
 02/17/2021 Senate—Hearing: Tuesday, February 23, 2021, 10:30 AM Room 144-S
- S 210** Bill by Federal and State Affairs  
**Reducing the number of members of the house of representatives to 120.**  
 02/10/2021 Senate—Introduced—SJ 197  
 02/11/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 202
- S 211** Bill by Senators Steffen, Erickson  
**Allowing physicians to have patients sign a liability waiver for off-label use of prescription drugs.**  
 02/10/2021 Senate—Introduced—SJ 197  
 02/11/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 202
- S 212** Bill by Senator Steffen  
**Granting immunity for exposing another to infectious disease due to a lack of immunization, prohibiting an employer from taking adverse**

- employment action based on an employee's immunization status, prohibiting the secretary of health and environment from requiring additional immunizations to attend a child care facility or school.**
- 02/10/2021 Senate—Introduced—SJ 197
- 02/11/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 202
- 03/04/2021 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Federal and State Affairs—SJ 317
- 03/05/2021 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Public Health and Welfare—SJ 320
- 03/17/2021 Senate—Hearing: Monday, March 22, 2021, 8:30 AM Room 142-S
- 03/29/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 450
- S 213** Bill by Senator Steffen  
**Prohibiting an employer from taking any adverse employment against an employee because of the employee's vaccination status.**
- 02/10/2021 Senate—Introduced—SJ 197
- 02/11/2021 Senate—Referred to Committee on Commerce—SJ 202
- 02/17/2021 Senate—Hearing: Thursday, February 25, 2021, 10:30 AM Room 546-S
- 03/04/2021 Senate—Withdrawn from Committee on Commerce; Referred to Committee on Federal and State Affairs—SJ 317
- 03/05/2021 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Commerce—SJ 320
- S 214** Bill by Senator Thompson  
**Making it a crime for a physician to perform gender reassignment surgery or hormone replacement therapy on certain children.**
- 02/10/2021 Senate—Introduced—SJ 197
- 02/11/2021 Senate—Referred to Committee on Judiciary—SJ 202
- S 215** Bill by Education  
**Transferring the authority for postsecondary driver's education programs and driver training schools from the state board of regents to the department of revenue.**
- 02/10/2021 Senate—Introduced—SJ 197
- 02/11/2021 Senate—Referred to Committee on Education—SJ 202
- S 216** Bill by Assessment and Taxation  
**Extending the eligible time period for rural opportunity zones loan repayment program and income tax credit.**
- 02/10/2021 Senate—Introduced—SJ 197
- 02/11/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 202
- S 217** Bill by Assessment and Taxation  
**Adding certain counties to the list of eligible rural opportunity zone counties.**
- 02/10/2021 Senate—Introduced—SJ 197
- 02/11/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 202
- S 218** Bill by Federal and State Affairs  
**Providing restrictions, lender reporting and other requirements for alternative small installment loans made under the UCCC.**
- 02/11/2021 Senate—Introduced—SJ 200
- 02/12/2021 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 208
- S 219** Bill by Commerce  
**Changing law pertaining to real estate brokers and salespersons including the**

**definition of broker, licensure, actions that require licensing, exemptions, application of licensure provisions to trusts, Kansas real estate commission administrative fines, cease and desist orders and subpoena authority.**

02/11/2021 Senate—Introduced—SJ 200

02/12/2021 Senate—Referred to Committee on Commerce—SJ 208

02/17/2021 Senate—Hearing: Wednesday, February 24, 2021, 10:30 AM Room 546-S

03/03/2021 Senate—Hearing: Thursday, March 11, 2021, 10:30 AM Room 546-S

03/04/2021 Senate—Withdrawn from Committee on Commerce; Referred to Committee on Federal and State Affairs—SJ 317

03/05/2021 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Commerce—SJ 320

S 220 Bill by Judiciary

**Increasing the penalty for battery committed against a utility worker.**

02/11/2021 Senate—Introduced—SJ 201

02/12/2021 Senate—Referred to Committee on Judiciary—SJ 208

02/17/2021 Senate—Hearing: Friday, February 19, 2021, 10:30 AM Room 346-S

S 221 Bill by Education

**Establishing the follow the student tax credit that would allow an income tax credit for taxpayers with eligible dependent children not enrolled in public school.**

02/11/2021 Senate—Introduced—SJ 201

02/12/2021 Senate—Referred to Committee on Education—SJ 208

S 222 Bill by Ways and Means

**Excluding hypothetical leased fee when determining fair market value for property taxation purposes.**

02/11/2021 Senate—Introduced—SJ 201

02/12/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 208

S 223 Bill by Ways and Means

**Allowing the exercise of eminent domain for the purpose of conducting carbon dioxide in pipes.**

02/11/2021 Senate—Introduced—SJ 201

02/12/2021 Senate—Referred to Committee on Utilities—SJ 209

S 224 Bill by Ways and Means

**Establishing maximum length for trains to operate in Kansas and providing for penalties for violations.**

02/11/2021 Senate—Introduced—SJ 201

02/12/2021 Senate—Referred to Committee on Transportation—SJ 209

S 225 Bill by Ways and Means

**Providing affiliation with the Kansas police and firemen's retirement system by the Kansas department of wildlife, parks and tourism for membership of certain law enforcement officers and employees.**

02/11/2021 Senate—Introduced—SJ 201

02/12/2021 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 208

02/17/2021 Senate—Hearing: Tuesday, February 23, 2021, 9:30 AM Room 546-S

S 226 Bill by Ways and Means

**Providing a sales tax exemption for area agencies on aging for certain purchases of tangible personal property and services.**

- 02/11/2021 Senate—Introduced—SJ 201  
 02/12/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 208  
 03/18/2021 Senate—Hearing: Monday, March 22, 2021, 9:30 AM Room 548-S  
**S 227** Bill by Public Health and Welfare  
**Providing dental benefits for medicaid enrollees and making technical updates to the dental practices act.**  
 02/11/2021 Senate—Introduced—SJ 201  
 02/12/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 208
- S 228** Bill by Assessment and Taxation  
**Allowing retailer to retain the state rate of sales and compensating use tax from movie ticket sales and concession sales.**  
 02/11/2021 Senate—Introduced—SJ 201  
 02/12/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 208  
 03/22/2021 Senate—Hearing: Thursday, March 25, 2021, 9:30 AM Room 548-S  
**S 229** Bill by Judiciary  
**Providing for payment of interest in civil actions for wrongful conviction and directing the attorney general to seek damages for the state from any person who knowingly contributed to the wrongful conviction and prosecute ouster and criminal proceedings as warranted.**  
 02/11/2021 Senate—Introduced—SJ 201  
 02/12/2021 Senate—Referred to Committee on Judiciary—SJ 208  
**S 230** Bill by Judiciary  
**Creating the crime of deprivation of rights under color of law and providing a civil action for victims.**  
 02/11/2021 Senate—Introduced—SJ 201  
 02/12/2021 Senate—Referred to Committee on Judiciary—SJ 208  
**S 231** Bill by Judiciary  
**Increasing criminal penalties for hate crimes.**  
 02/11/2021 Senate—Introduced—SJ 201  
 02/12/2021 Senate—Referred to Committee on Judiciary—SJ 208  
**S 232** Bill by Education  
**Providing for COVID-19 hazard pay for teachers.**  
 02/11/2021 Senate—Introduced—SJ 201  
 02/12/2021 Senate—Referred to Committee on Ways and Means—SJ 209  
**S 233** Bill by Assessment and Taxation  
**Increasing sales tax collection thresholds relating to time frames for filing returns and paying sales tax by certain retailers.**  
 02/11/2021 Senate—Introduced—SJ 202  
 02/12/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 208  
 03/23/2021 Senate—Hearing: Thursday, March 25, 2021, 9:30 AM Room 548-S  
**S 234** Bill by Assessment and Taxation  
**Requiring same appraisal methodology for real and personal property residential mobile homes for property taxation purposes.**  
 02/11/2021 Senate—Introduced—SJ 202  
 02/12/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 208  
 03/10/2021 Senate—Hearing: Tuesday, March 16, 2021, 9:30 AM Room 548-S  
**S 235** Bill by Federal and State Affairs  
**Enacting the back to school act to require school districts to provide a full-**

**time, in person attendance option for all students beginning on March 26, 2021.**

- 02/12/2021 Senate—Introduced—SJ 207  
 02/15/2021 Senate—Referred to Committee on Education—SJ 210  
 02/17/2021 Senate—Hearing: Thursday, February 25, 2021, 1:30 PM Room 144-S  
 02/26/2021 Senate—Committee Report recommending bill be passed by Committee on Education—SJ 253  
 03/02/2021 Senate—Committee of the Whole - Be passed—SJ 276  
 03/03/2021 Senate—Final Action - Passed; Yea: 26 Nay: 12—SJ 290  
 03/03/2021 House—Received and Introduced—HJ 431  
 03/04/2021 House—Referred to Committee on K-12 Education Budget—HJ 432  
 03/10/2021 House—Hearing: Wednesday, March 10, 2021, 3:30 PM Room 546-S  
 03/11/2021 House—Committee Report recommending bill be passed by Committee on K-12 Education Budget—HJ 465  
 03/15/2021 House—Committee of the Whole - Be passed—HJ 468  
 03/16/2021 House—Final Action - Not passed; Yea: 55 Nay: 69
- S 236** Bill by Ways and Means  
**Establishing the Kansas commission for the United States semiquincentennial.**  
 02/12/2021 Senate—Introduced—SJ 207  
 02/15/2021 Senate—Referred to Committee on Commerce—SJ 210
- S 237** Bill by Public Health and Welfare  
**Requiring the secretary of health and environment to establish a task force to study and report on uncompensated healthcare.**  
 02/12/2021 Senate—Introduced—SJ 207  
 02/15/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 210
- S 238** Bill by Public Health and Welfare  
**Requiring emergency medical services operators be overseen by medical directors or physicians; clarifying duties and functions of the state board of pharmacy; providing for confidentiality of investigations, inspections and audits; establishing fees on out-of-state facilities; defining telepharmacy and requiring the adoption of rules and regulations related thereto.**  
 02/12/2021 Senate—Introduced—SJ 207  
 02/15/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 210  
 02/17/2021 Senate—Hearing: Wednesday, February 24, 2021, 8:30 AM Room 142-S  
 03/01/2021 Senate—Committee Report recommending substitute bill be passed by Committee on Public Health and Welfare—SJ 264  
 03/03/2021 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 291  
 03/03/2021 Senate—Emergency Final Action - Substitute passed as amended; Yea: 38 Nay: 1  
 03/10/2021 House—Received and Introduced—HJ 459  
 03/11/2021 House—Referred to Committee on Health and Human Services—HJ 464  
 03/16/2021 House—Committee Report recommending bill be passed as amended by Committee on Health and Human Services—HJ 489  
 03/24/2021 House—Committee of the Whole - Be passed as amended—HJ 540  
 03/25/2021 House—Final Action - Passed as amended; Yea: 121 Nay: 1  
 03/25/2021 Senate—Nonconcurrent with amendments; Conference Committee

- requested; appointed Senator Hilderbrand, Senator Gossage and Senator Pettey as conferees—SJ 414
- 03/29/2021 House—Motion to accede adopted; Representative Landwehr, Representative Eplee and Representative Parker appointed as conferees—HJ 596
- 04/09/2021 House—Conference Committee Report was adopted; Yea: 116 Nay: 7—HJ 872
- 05/05/2021 Senate—Conference Committee Report was adopted; Yea: 36 Nay: 4—SJ 1253
- 05/26/2021 Senate—Enrolled and presented to Governor on Friday, May 14, 2021
- 05/26/2021 Senate—Approved by Governor on Wednesday, May 19, 2021
- S 239** Bill by Public Health and Welfare  
**Authorizing the secretary for children and families to request a waiver from certain limitations under the food assistance program.**
- 02/12/2021 Senate—Introduced—SJ 207
- 02/15/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 210
- S 240** Bill by Public Health and Welfare  
**Requiring drug rebate revenues associated with medical assistance enrollees to be deposited into the state general fund and monthly reporting thereof.**
- 02/12/2021 Senate—Introduced—SJ 207
- 02/15/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 210
- S 241** Bill by Public Health and Welfare  
**Allowing a child placed up for adoption following termination of parental rights to remain eligible for state-provided health insurance.**
- 02/12/2021 Senate—Introduced—SJ 207
- 02/15/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 210
- S 242** Bill by Financial Institutions and Insurance  
**Consolidating certain mortgage lending provisions, removing duplicate provisions from the uniform consumer credit code and incorporating such provisions into the Kansas mortgage business act.**
- 02/12/2021 Senate—Introduced—SJ 208
- 02/15/2021 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 210
- 02/17/2021 Senate—Hearing: Wednesday, February 17, 2021, 9:30 AM Room 546-S
- S 243** Bill by Financial Institutions and Insurance  
**Enacting the peer-to-peer vehicle sharing act to provide insurance, liability, recordkeeping and consumer protection requirements for peer-to-peer vehicle sharing.**
- 02/12/2021 Senate—Introduced—SJ 208
- 02/15/2021 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 210
- S 244** Bill by Financial Institutions and Insurance  
**Providing for enhanced regulation of pharmacy benefits managers and requiring licensure rather than registration of such entities.**
- 02/12/2021 Senate—Introduced—SJ 208
- 02/15/2021 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 210
- S 245** Bill by Financial Institutions and Insurance

**Providing for the financing of electrical corporations through the issuance of securitization bonds.**

02/12/2021 Senate—Introduced—SJ 208

02/15/2021 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 210

02/17/2021 Senate—Hearing: Thursday, February 18, 2021, 9:30 AM Room 546-S

02/24/2021 Senate—Withdrawn from Committee on Financial Institutions and Insurance; Referred to Committee on Federal and State Affairs—SJ 245

03/12/2021 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Financial Institutions and Insurance—SJ 330

03/15/2021 Senate—Hearing continuation: Thursday, March 18, 2021, 9:30 AM Room 546-S

03/15/2021 Senate—Hearing: Wednesday, March 17, 2021, 9:30 AM Room 546-S  
Bill by Judiciary

S 246

**Providing statutory procedures and limitations related to forensic evidence collection and clarifying liability for unlawful conduct under the Kansas tort claims act.**

02/12/2021 Senate—Introduced—SJ 208

02/15/2021 Senate—Referred to Committee on Judiciary—SJ 210

S 247

Bill by Judiciary

**Enacting criminal justice reform measures related to hiring, firearms certification and psychological testing of law enforcement officers**

02/12/2021 Senate—Introduced—SJ 208

02/15/2021 Senate—Referred to Committee on Judiciary—SJ 210

S 248

Bill by Ways and Means

**Updating certain definitions, referral to specialty services and coordination of care provisions in the Kansas telemedicine act.**

02/16/2021 Senate—Introduced—SJ 211

02/17/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 215

S 249

Bill by Ways and Means

**Creating additional reporting requirements for all state agencies for certain information technology projects.**

02/16/2021 Senate—Introduced—SJ 211

02/17/2021 Senate—Referred to Committee on Ways and Means—SJ 215

S 250

Bill by Ways and Means

**Amending the Kansas cybersecurity act to require security training for all state agencies and provide for certain information to be provided to the joint committee on information technology.**

02/16/2021 Senate—Introduced—SJ 211

02/17/2021 Senate—Referred to Committee on Ways and Means—SJ 215

S 251

Bill by Ways and Means

**Updating statutes relating to the powers, duties and functions of the state board of pharmacy.**

02/16/2021 Senate—Introduced—SJ 211

02/17/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 215

S 252

Bill by Federal and State Affairs

**Creating fulfillment house licenses to authorize storage and shipping services provided to winery special order shipping licensees.**

02/16/2021 Senate—Introduced—SJ 211

02/17/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 215

- S 253 02/17/2021 Senate—Hearing: Thursday, February 25, 2021, 10:30 AM Room 144-S  
Bill by Federal and State Affairs  
**Allowing a farm winery licensee to transfer and receive bulk wine and produce fortified wine.**
- 02/16/2021 Senate—Introduced—SJ 211  
02/17/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 215
- S 254 02/17/2021 Senate—Hearing: Thursday, February 25, 2021, 10:30 AM Room 144-S  
Bill by Federal and State Affairs  
**Authorizing certain licensees under the Kansas liquor control act and the club and drinking establishment act to sell and serve cereal malt beverages.**
- 02/16/2021 Senate—Introduced—SJ 211  
02/17/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 215  
02/17/2021 Senate—Hearing: Thursday, February 25, 2021, 10:30 AM Room 144-S
- S 255 Bill by Federal and State Affairs  
**Allowing the director of alcoholic beverage control to suspend or revoke a license under the Kansas liquor control act or the club and drinking establishment act.**
- 02/16/2021 Senate—Introduced—SJ 212  
02/17/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 215  
03/03/2021 Senate—Hearing: Wednesday, March 10, 2021, 10:30 AM Room 144-S
- S 256 Bill by Federal and State Affairs  
**Changing the start time for Sunday sales of alcoholic liquor from 12 noon to 10 a.m. and removing restrictions on sales on certain holidays.**
- 02/16/2021 Senate—Introduced—SJ 212  
02/17/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 215  
03/11/2021 Senate—Hearing: Monday, March 15, 2021, 10:30 AM Room 144-S
- S 257 Bill by Federal and State Affairs  
**Allowing clubs and drinking establishments to sell beer and cereal malt beverage for consumption off the licensed premises.**
- 02/16/2021 Senate—Introduced—SJ 212  
02/17/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 215  
03/10/2021 Senate—Hearing: Friday, March 12, 2021, 10:30 AM Room 144-S  
03/11/2021 Senate—Hearing: Monday, March 15, 2021, 10:30 AM Room 144-S
- S 258 Bill by Federal and State Affairs  
**Clarifying the license terms and electronic submission of tax payments, reports and documentation for holders of a special order shipping license.**
- 02/16/2021 Senate—Introduced—SJ 212  
02/17/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 215  
03/03/2021 Senate—Hearing: Wednesday, March 10, 2021, 10:30 AM Room 144-S
- S 259 Bill by Ways and Means  
**Providing that the testimony of an examining healthcare provider may be submitted in evidence by the provider's medical report in workers compensation cases.**
- 02/17/2021 Senate—Introduced—SJ 215  
02/18/2021 Senate—Referred to Committee on Commerce—SJ 219  
03/22/2021 Senate—Hearing: Thursday, March 25, 2021, 10:30 AM Room 546-S
- S 260 Bill by Ways and Means  
**Requiring an elected office holder or candidate for office to remove endorsements from social media within 90 days of a written request by an individual or organization.**

- 02/17/2021 Senate—Introduced—SJ 215
- S 261 02/18/2021 Senate—Referred to Committee on Transparency and Ethics—SJ 219  
 Bill by Ways and Means  
**Establishing the asbestos remediation fund for fees and penalties collected as part of the Kansas asbestos control program.**
- 02/17/2021 Senate—Introduced—SJ 215
- 02/18/2021 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 219
- 02/24/2021 Senate—Hearing: Thursday, February 25, 2021, 8:30 AM Room 144-S
- 02/25/2021 Senate—Committee Report recommending bill be passed by Committee on Agriculture and Natural Resources—SJ 250
- 03/01/2021 Senate—Committee of the Whole - Be passed as amended—SJ 259
- 03/02/2021 Senate—Final Action - Passed as amended; Yea: 38 Nay: 1
- 03/03/2021 House—Received and Introduced—HJ 431
- 03/04/2021 House—Referred to Committee on Agriculture—HJ 432
- S 262 Bill by Federal and State Affairs  
**Authorizing a vote in Sedgwick county to allow the operation of electronic gaming machines at a racetrack gaming facility and prohibiting betting on greyhound races.**
- 02/18/2021 Senate—Introduced—SJ 218
- 02/19/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 234
- S 263 03/24/2021 Senate—Hearing: Monday, March 29, 2021, 10:30 AM Room 144-S  
 Bill by Ways and Means  
**Eliminating the reduction of child day care services assistance tax credit in subsequent years and limitations on eligible corporations and providing a credit for employer payments to organizations for child day care services access.**
- 02/18/2021 Senate—Introduced—SJ 219
- 02/19/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 234
- 03/19/2021 Senate—Hearing: Monday, March 22, 2021, 9:30 AM Room 548-S
- 03/29/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 440
- S 264 Bill by Ways and Means  
**Enacting the Kansas fights addiction act to establish a grant program for the purpose of preventing, reducing, treating and mitigating the effects of substance abuse and addiction.**
- 02/22/2021 Senate—Introduced—SJ 236
- 02/23/2021 Senate—Referred to Committee on Ways and Means—SJ 240
- 03/18/2021 Senate—Hearing: Wednesday, March 24, 2021, 10:30 AM Room 548-S
- 03/30/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 547
- S 265 Bill by Ways and Means  
**Providing a KPERS death and long-term disability employer contribution moratorium.**
- 02/22/2021 Senate—Introduced—SJ 236
- 02/23/2021 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 240
- 03/11/2021 Senate—Hearing: Tuesday, March 16, 2021, 9:30 AM Room 546-S
- 03/18/2021 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 380

- 03/30/2021 Senate—Committee of the Whole - Be passed—SJ 479  
 03/31/2021 Senate—Final Action - Passed; Yea: 39 Nay: 1  
 04/06/2021 House—Received and Introduced—HJ 650  
 04/07/2021 House—Referred to Committee on Insurance and Pensions—HJ 657
- S 266** Bill by Ways and Means  
**Amortizing the state and school KPERS unfunded actuarial liability over a 24-year period and eliminating certain level-dollar employer contribution payments.**
- 02/22/2021 Senate—Introduced—SJ 236  
 02/23/2021 Senate—Referred to Committee on Ways and Means—SJ 240
- S 267** Bill by Ways and Means  
**Substitute for SB 267 by Committee on Ways and Means - Appropriations for FY 2021, FY 2022, FY 2023 and FY 2024 for various state agencies.**
- 02/22/2021 Senate—Introduced—SJ 236  
 02/23/2021 Senate—Referred to Committee on Ways and Means—SJ 240  
 03/03/2021 Senate—Hearing: Wednesday, March 10, 2021, 10:30 AM Room 548-S  
 03/15/2021 Senate—Committee Report recommending substitute bill be passed by Committee on Ways and Means—SJ 332  
 03/16/2021 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 355  
 03/17/2021 Senate—Final Action - Substitute passed as amended; Yea: 24 Nay: 13  
 03/19/2021 House—Received and Introduced—HJ 514  
 03/22/2021 House—Referred to Committee on Appropriations—HJ 515
- S 268** Bill by Ways and Means  
**Making supplemental appropriations for fiscal years 2021 through 2032 for various state agencies and revising the pooled money investment portfolio repayment schedule.**
- 02/23/2021 Senate—Introduced—SJ 238  
 02/24/2021 Senate—Referred to Committee on Ways and Means—SJ 244  
 03/03/2021 Senate—Hearing: Wednesday, March 10, 2021, 10:30 AM Room 548-S
- S 269** Bill by Federal and State Affairs  
**Prohibiting the sale, slaughter and acquisition of live dangerous regulated animals, including nonhuman primates and wolves as dangerous regulated animals and requiring sufficient distance and barriers between dangerous regulated animals and the public.**
- 02/23/2021 Senate—Introduced—SJ 238  
 02/24/2021 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 244
- 03/19/2021 Senate—Hearing: Wednesday, March 24, 2021, 8:30 AM Room 144-S
- S 270** Bill by Federal and State Affairs  
**Prohibiting the hiring of certain law enforcement officers with history of serious misconduct allegations and making certain law enforcement disciplinary records public records.**
- 02/23/2021 Senate—Introduced—SJ 239  
 02/24/2021 Senate—Referred to Committee on Judiciary—SJ 244
- S 271** Bill by Federal and State Affairs  
**Extending the time that victims of childhood sexual abuse have to bring a cause of action.**
- 02/23/2021 Senate—Introduced—SJ 239  
 02/24/2021 Senate—Referred to Committee on Judiciary—SJ 244

- S 272 Bill by Federal and State Affairs  
**Requiring sexual assault evidence collection procedures to include a urinalysis test to determine the presence of controlled substances that may have been used to commit the alleged sexual assault.**  
 02/23/2021 Senate—Introduced—SJ 239  
 02/24/2021 Senate—Referred to Committee on Judiciary—SJ 244
- S 273 Bill by Federal and State Affairs  
**House Substitute for Substitute for SB 273 by Committee on Judiciary - Enacting the COVID-19 small business relief act to provide funds for impacted small businesses, create the COVID-19 small business relief fund of the legislative coordinating council and the COVID-19 small business relief claims board, require certain counties to establish and administer a county COVID-19 small business relief fund and certain cities to establish and administer a city COVID-19 small business relief fund, require a study by the legislative division of post audit and prohibit compensation for intangible losses related to the COVID-19 public health emergency under the Kansas emergency management act.**  
 02/23/2021 Senate—Introduced—SJ 239  
 02/23/2021 Senate—Referred to Committee on Judiciary—SJ 240  
 02/23/2021 Senate—Hearing: Wednesday, February 24, 2021, 10:30 AM Room 346-S  
 02/23/2021 Senate—Hearing continuation: Thursday, February 25, 2021, 10:30 AM Room 346-S  
 02/26/2021 Senate—Committee Report recommending substitute bill be passed by Committee on Judiciary—SJ 253  
 03/01/2021 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 260  
 03/01/2021 Senate—Emergency Final Action - Passed as amended; Yea: 27 Nay: 12  
 03/02/2021 House—Received and Introduced—HJ 357  
 03/03/2021 House—Referred to Committee on Judiciary—HJ 361  
 03/26/2021 House—Committee Report recommending substitute bill be passed by Committee on Judiciary—HJ 575  
 03/29/2021 House—Committee of the Whole - Substitute bill be passed—HJ 611  
 03/30/2021 House—Final Action - Substitute passed; Yea: 123 Nay: 1—HJ 627  
 03/30/2021 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Warren, Senator Wilborn and Senator Haley as conferees—SJ 487  
 04/06/2021 House—Motion to accede adopted; Representative Patton, Representative Ralph and Representative Carmichael appointed as conferees—HJ 650  
 05/07/2021 House—Motion to suspend rule 1502 adopted;—HJ 1543  
 05/07/2021 House—Substitute motion to not adopt and appoint a conference committee failed Yea: 42 Nay: 65—HJ 1540  
 05/07/2021 House—Conference Committee Report was adopted; Yea: 68 Nay: 42—HJ 1540  
 05/07/2021 Senate—Motion to suspend Joint Rule 3(f) - 30 Minute Rule adopted—SJ 1384  
 05/07/2021 Senate—Conference Committee Report was adopted; Yea: 24 Nay: 14—SJ 1393

(SJ & HJ Nos. refer to 2021 Senate and House Journals)

- 05/26/2021 Senate—Enrolled and presented to Governor on Friday, May 14, 2021  
 05/26/2021 Senate—Vetoed by Governor; Returned to Senate on Friday, May 21, 2021
- S 274 05/26/2021 Senate—No motion to reconsider vetoed bill; Veto sustained  
 Bill by Assessment and Taxation  
**Amending the scope of practice, discipline by the board, and license renewal procedures for naturopathic doctors.**
- 02/23/2021 Senate—Introduced—SJ 239
- S 275 02/24/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 244  
 Bill by Assessment and Taxation  
**Allowing naturopathic doctors to engage in the corporate practice of medicine.**
- 02/23/2021 Senate—Introduced—SJ 239
- S 276 02/24/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 244  
 Bill by Federal and State Affairs  
**Providing considerations in family law, adoption, foster care, guardianship and child in need of care proceedings for a parent or prospective parent who is blind.**
- 02/24/2021 Senate—Introduced—SJ 243
- S 277 02/25/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 247  
 Bill by Ways and Means  
**Authorizing continuation of the 20 mill statewide property tax levy for schools and the exemption of a portion of residential property from such levy.**
- 02/24/2021 Senate—Introduced—SJ 243
- S 278 02/25/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 247  
 Bill by Ways and Means  
**Requiring recipients of a distinctive license plate fee to file a report detailing money received and expenditures.**
- 02/24/2021 Senate—Introduced—SJ 243
- S 279 02/25/2021 Senate—Referred to Committee on Transportation—SJ 247  
 Bill by Federal and State Affairs  
**Establishing the wind generation permit and property protection act and imposing certain requirements on the siting of wind turbines.**
- 02/24/2021 Senate—Introduced—SJ 243
- 02/25/2021 Senate—Referred to Committee on Utilities—SJ 247
- 03/17/2021 Senate—Hearing: Monday, March 22, 2021, 10:30 AM Room 346-S
- 03/18/2021 Senate—Hearing: Monday, March 22, 2021, 1:30 PM Room 548-S
- 03/18/2021 Senate—Hearing: Tuesday, March 23, 2021, 1:30 PM Room 548-S
- S 280 Bill by Ways and Means  
**Modifying the distribution of the levy on fire insurance business premiums to the state fire marshal fee fund, the emergency medical services operating fund and the fire service training program fund.**
- 02/25/2021 Senate—Introduced—SJ 247
- S 281 02/26/2021 Senate—Referred to Committee on Ways and Means—SJ 252  
 Bill by Ways and Means  
**Changing unemployment insurance disqualification provisions for fraud, part-time employment for educational institutions and receipt of pensions.**
- 02/25/2021 Senate—Introduced—SJ 247
- 02/26/2021 Senate—Referred to Committee on Commerce—SJ 252
- 03/17/2021 Senate—Hearing: Wednesday, March 24, 2021, 10:30 AM Room 546-S
- S 282 Bill by Assessment and Taxation

**Providing income tax credits for aerospace and aviation program graduates and their employers.**

02/25/2021 Senate—Introduced—SJ 247

02/26/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 252

03/18/2021 Senate—Hearing: Monday, March 22, 2021, 9:30 AM Room 548-S

03/30/2021 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 488

**S 283** Bill by Federal and State Affairs

**Continuing the governmental response to the COVID-19 pandemic in Kansas by extending the expanded use of telemedicine, the authority of the board of healing arts to grant certain temporary emergency licenses, the suspension of certain requirements related to medical care facilities and immunity from civil liability for certain healthcare providers and certain persons conducting business in this state for COVID-19 claims until March 31, 2022.**

03/01/2021 Senate—Introduced—SJ 263

03/01/2021 Senate—Referred to Committee on Judiciary—SJ 263

03/01/2021 Senate—Hearing: Tuesday, March 2, 2021, 12:00 PM Room 346-S

03/02/2021 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 282

03/03/2021 Senate—Committee of the Whole - Be passed as further amended—SJ 311

03/03/2021 Senate—Emergency Final Action - Passed as amended; Yea: 31 Nay: 8

03/10/2021 House—Received and Introduced—HJ 459

03/11/2021 House—Referred to Committee on Judiciary—HJ 464

03/12/2021 House—Hearing: Thursday, March 18, 2021, 3:30 PM Room 582-N

03/25/2021 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 569

03/29/2021 House—Committee of the Whole - Be passed as amended—HJ 611

03/30/2021 House—Final Action - Passed as amended; Yea: 96 Nay: 28—HJ 627

03/31/2021 Senate—Concurred with amendments; Yea: 30 Nay: 10—SJ 558

03/31/2021 Senate—Enrolled and presented to Governor on Wednesday, March 31, 2021—SJ 573

03/31/2021 Senate—Approved by Governor on Wednesday, March 31, 2021—SJ 573

**S 284** Bill by Federal and State Affairs

**Amending the Kansas emergency management act to authorize a state of disaster emergency to continue for no longer than 21 days unless ratified by concurrent resolution of the legislature and provide for extensions for specified periods not to exceed 30 days each.**

03/02/2021 Senate—Introduced—SJ 281

03/03/2021 Senate—Referred to Committee on Judiciary—SJ 283

**S 285** Bill by Federal and State Affairs

**Providing for the alpha kappa alpha distinctive license plate.**

03/02/2021 Senate—Introduced—SJ 282

03/03/2021 Senate—Referred to Committee on Transportation—SJ 284

**S 286** Bill by Assessment and Taxation

**Substitute for SB 286 by Committee on Judiciary – Enacting the COVID-19 business relief act to provide funds for impacted businesses, create the COVID-19 business relief fund and the COVID-19 business relief**

**claims board, provide for administration of this act by the attorney general and require certain counties to establish and administer a county COVID-19 business relief fund and certain cities to establish and administer a city COVID-19 business relief fund.**

03/02/2021 Senate—Introduced—SJ 282

03/03/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 283

03/29/2021 Senate—Withdrawn from Committee on Assessment and Taxation;  
Referred to Committee on Judiciary—SJ 436

05/03/2021 Senate—Committee Report recommending substitute bill be passed by  
Committee on Judiciary—SJ 1105

05/04/2021 Senate—Committee of the Whole - Substitute bill be passed as  
amended—SJ 1116

05/04/2021 Senate—Emergency Final Action - Substitute passed as amended; Yea:  
26 Nay: 13—SJ 1118

05/05/2021 House—Received and Introduced—HJ 1306

05/06/2021 House—Referred to Committee on Judiciary—HJ 1386

S 287 Bill by Federal and State Affairs

**Enacting the Kansas medical marijuana regulation act and enacting the  
Kansas innovative solutions for affordable healthcare act to expand  
medical assistance eligibility.**

03/05/2021 Senate—Introduced—SJ 319

03/10/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 323

S 288 Bill by Ways and Means

**Enacting the technology-enabled trust bank act, providing requirements,  
fiduciary powers, duties, functions and limitations for trust banks and  
the administration thereof by the bank commissioner and creating an  
income and privilege tax credit for certain qualified distributions from  
trust banks.**

03/10/2021 Senate—Introduced—SJ 322

03/11/2021 Senate—Referred to Committee on Financial Institutions and Insurance  
—SJ 326

03/24/2021 Senate—Hearing continuation: Tuesday, March 30, 2021, 9:30 AM  
Room 546-S

03/24/2021 Senate—Hearing: Monday, March 29, 2021, 9:30 AM Room 546-S

S 289 Bill by Ways and Means

**Enacting the frontline service pay act to provide additional compensation to  
Kansas employees at high risk of exposure to COVID-19 and who are  
engaged in essential work for the state of Kansas.**

03/10/2021 Senate—Introduced—SJ 323

03/11/2021 Senate—Referred to Committee on Ways and Means—SJ 326

S 290 Bill by Ways and Means

**Increasing healthcare stabilization fund minimum professional liability  
insurance coverage requirements, changing the membership of the  
board of governors of such fund and adding options and increasing  
time for service of process thereon.**

03/11/2021 Senate—Introduced—SJ 325

03/12/2021 Senate—Referred to Committee on Financial Institutions and Insurance  
—SJ 330

03/23/2021 Senate—Committee Report recommending bill be passed by Committee  
on Financial Institutions and Insurance—SJ 394

- 03/29/2021 Senate—Committee of the Whole - Be passed—SJ 440  
 03/30/2021 Senate—Final Action - Passed; Yea: 30 Nay: 10  
 03/30/2021 House—Received and Introduced—HJ 644  
 03/31/2021 House—Referred to Committee on Insurance and Pensions—HJ 646
- S 291** Bill by Ways and Means  
**Increasing the minimum wage by \$1 per year to \$15 an hour by 2027.**  
 03/11/2021 Senate—Introduced—SJ 325  
 03/12/2021 Senate—Referred to Committee on Commerce—SJ 330
- S 292** Bill by Federal and State Affairs  
**Limiting who may return an advance voting ballot and the number of such ballots a person may return.**  
 03/11/2021 Senate—Introduced—SJ 326  
 03/12/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 330  
 03/12/2021 Senate—Hearing: Tuesday, March 16, 2021, 10:30 AM Room 144-S
- S 293** Bill by Federal and State Affairs  
**Creating the transparency in revenues underwriting elections act to criminalize the receipt and expenditure of private moneys by election officials.**  
 03/11/2021 Senate—Introduced—SJ 326  
 03/12/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 330  
 03/12/2021 Senate—Hearing: Tuesday, March 16, 2021, 10:30 AM Room 144-S  
 03/16/2021 Senate—Hearing: Wednesday, March 17, 2021, 10:30 AM Room 144-S
- S 294** Bill by Federal and State Affairs  
**Creating the Roy'Ale Spencer firearms safety act to require firearms to be safely secured and establishing criminal penalties for violations of the act.**  
 03/11/2021 Senate—Introduced—SJ 326  
 03/12/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 330
- S 295** Bill by Federal and State Affairs  
**Giving counties the authority to adopt prioritized COVID-19 vaccination plans separate from state guidelines.**  
 03/11/2021 Senate—Introduced—SJ 326  
 03/12/2021 Senate—Hearing: Monday, March 15, 2021, 8:30 AM Room 142-S  
 03/12/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 330  
 03/17/2021 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 371
- S 296** Bill by Federal and State Affairs  
**Adjusting the rate of sales and compensating use tax on food and food ingredients and implementing additional formulaic adjustments to tax rate.**  
 03/15/2021 Senate—Introduced—SJ 331  
 03/16/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 334  
 03/18/2021 Senate—Hearing: Tuesday, March 23, 2021, 9:30 AM Room 548-S
- S 297** Bill by Assessment and Taxation  
**Prohibiting cities from collecting solid waste fees against vacant lots or other vacant property and prohibiting cities and counties that establish annual fees from billing these fees on the ad valorem tax statement.**  
 03/15/2021 Senate—Introduced—SJ 331  
 03/16/2021 Senate—Referred to Committee on Local Government—SJ 334
- S 298** Bill by Federal and State Affairs  
**Updates to the controlled substances act.**

- 03/16/2021 Senate—Introduced—SJ 333
- 03/17/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 362
- 03/18/2021 Senate—Hearing: Friday, March 26, 2021, 8:30 AM Room 142-S
- S 299** Bill by Ways and Means  
**Increasing the compensation of members of the state banking board.**
- 03/17/2021 Senate—Introduced—SJ 361
- 03/18/2021 Senate—Referred to Committee on Ways and Means—SJ 373
- S 300** Bill by Federal and State Affairs  
**Amending the Kansas racketeer influenced and corrupt organization act to add a person who has engaged in identity theft or identity fraud to the definition of "covered person" and add identity theft and identity fraud to the definition of "racketeering activity."**
- 03/18/2021 Senate—Introduced—SJ 373
- 03/19/2021 Senate—Referred to Committee on Judiciary—SJ 382
- S 301** Bill by Federal and State Affairs  
**Establishing the office of the child advocate within the office of the attorney general and the joint committee on child welfare system oversight.**
- 03/18/2021 Senate—Introduced—SJ 373
- 03/19/2021 Senate—Referred to Committee on Judiciary—SJ 382
- 03/19/2021 Senate—Hearing: Tuesday, March 23, 2021, 10:30 AM Room 346-S
- S 302** Bill by Assessment and Taxation  
**Authorizing counties to impose an earnings tax.**
- 03/22/2021 Senate—Introduced—SJ 386
- 03/23/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 390
- S 303** Bill by Federal and State Affairs  
**Prohibiting boards of county commissioners, boards of trustees or employees from restricting visitors of residents of a county home for the aged or patients in a county hospital and permitting such residents and patients to waive state, city or federal restrictions on right to receive visitors.**
- 03/22/2021 Senate—Introduced—SJ 386
- 03/23/2021 Senate—Referred to Committee on Public Health and Welfare—SJ 390
- 03/25/2021 Senate—Hearing: Monday, March 29, 2021, 8:30 AM Room 142-S
- S 304** Bill by Federal and State Affairs  
**Removing the sunset provision in the COVID-19 contact tracing privacy act.**
- 03/23/2021 Senate—Introduced—SJ 389
- 03/23/2021 Senate—Referred to Committee on Judiciary—SJ 393
- 03/24/2021 Senate—Hearing: Friday, March 26, 2021, 10:30 AM Room 346-S
- 03/29/2021 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 450
- 03/30/2021 Senate—Committee of the Whole - Be passed—SJ 479
- 03/31/2021 Senate—Final Action - Passed; Yea: 26 Nay: 14
- 04/06/2021 House—Received and Introduced—HJ 650
- 04/07/2021 House—Referred to Committee on Judiciary—HJ 657
- S 305** Bill by Ways and Means  
**Requiring each law enforcement agency that utilizes automated license plate recognition systems to adopt and maintain a detailed, written policy relating to the use and operation of such systems and prescribing restrictions and requirements relating to the collection, storage and sharing of captured license plate data.**

- 03/23/2021 Senate—Introduced—SJ 389  
 03/23/2021 Senate—Referred to Committee on Transportation—SJ 393  
 03/23/2021 Senate—Hearing: Thursday, March 25, 2021, 8:30 AM Room 546-S  
**S 306** Bill by Assessment and Taxation  
**Providing a sales tax exemption for certain purchases by county ambulance service districts.**
- 03/25/2021 Senate—Introduced—SJ 409  
 03/26/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 434  
**S 307** Bill by Federal and State Affairs  
**Requiring that advance voting ballots be returned to the county election office by the day of the election.**
- 03/25/2021 Senate—Introduced—SJ 409  
 03/26/2021 Senate—Hearing: Friday, March 26, 2021, 1:00 PM Room 144-S  
 03/26/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 434  
**S 308** Bill by Federal and State Affairs  
**Providing for the right of individuals to not wear face coverings in places of public accommodation, refuse vaccinations and access off-label medications.**
- 03/25/2021 Senate—Introduced—SJ 410  
 03/26/2021 Senate—Referred to Committee on Judiciary—SJ 434  
**S 309** Bill by Federal and State Affairs  
**Designating a portion of United States highway 69 as the AMM2c Walter Scott Brown memorial highway.**
- 03/30/2021 Senate—Introduced—SJ 472  
 03/31/2021 Senate—Referred to Committee on Transportation—SJ 550  
**S 310** Bill by Federal and State Affairs  
**Establishing the Kansas reapportionment commission to propose reapportionment plans for congressional, senate, representative and board of education districts and imposing requirements for enactment of such plans.**
- 04/07/2021 Senate—Introduced—SJ 580  
 04/08/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 615  
**S 311** Bill by Assessment and Taxation  
**Providing a sales tax exemption for certain purchases and sales by the Johnson county Christmas bureau association.**
- 04/07/2021 Senate—Introduced—SJ 580  
 04/08/2021 Senate—Referred to Committee on Assessment and Taxation—SJ 615  
**S 312** Bill by Federal and State Affairs  
**Changing election law regarding bond law elections, eliminating the requirement that county commissioners reside in the county, clarifying mail ballot provisions and repealing obsolete election laws relating to the presidential preference primary and certain elections-related corporate contribution restrictions.**
- 04/08/2021 Senate—Introduced—SJ 614  
 04/09/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 752  
**S 313** Bill by Federal and State Affairs  
**Designating a portion of United States highway 69 as the Senator Tom R Van Sickle memorial highway.**
- 05/03/2021 Senate—Introduced—SJ 1094  
 05/04/2021 Senate—Referred to Committee on Transportation—SJ 1107

- S 314** Bill by Ways and Means  
**Reconciling conflicting amendments to certain statutes.**  
05/05/2021 Senate—Introduced—SJ 1121  
05/05/2021 Senate—Referred to the Committee of the Whole.—SJ 1255
- S 315** Bill by Ways and Means  
**Creating the Kansas medical marijuana regulation act to regulate the  
production, distribution, sale and possession of medical marijuana.**  
05/07/2021 Senate—Introduced—SJ 1259  
05/26/2021 Senate—Referred to Committee on Public Health and Welfare—SJ  
1401

## TITLE AND HISTORY OF SENATE CONCURRENT RESOLUTIONS

- S 1601** Concurrent Resolution by Senators Masterson, Suellentrop, Sykes  
**Informing the Governor that the two houses of the Legislature are organized and ready to receive communications.**  
 01/11/2021 Senate—Introduced—SJ 30  
 01/11/2021 Senate—Adopted without roll call—SJ 30  
 01/11/2021 House—Received and Introduced  
 01/11/2021 House—Adopted without roll call  
 01/12/2021 Senate—Enrolled and presented to Secretary of State on Tuesday, January 12, 2021—SJ 43
- S 1602** Concurrent Resolution by Judiciary  
**Amending the bill of rights of the constitution of the state of Kansas to reserve to the people the right to regulate abortion through their elected state representatives and senators.**  
 01/12/2021 Senate—Introduced—SJ 40  
 01/13/2021 Senate—Referred to Committee on Judiciary—SJ 45  
 01/19/2021 Senate—Committee Report recommending resolution be adopted by Committee on Judiciary—SJ 53  
 02/01/2021 Senate—Motion to strike from the calendar - adopted—SJ 135
- S 1603** Concurrent Resolution by Senator Hilderbrand  
**Amending the Constitution of the State of Kansas to eliminate transfers from the state highway fund.**  
 01/25/2021 Senate—Introduced—SJ 91  
 01/26/2021 Senate—Referred to Committee on Transportation—SJ 94
- S 1604** Concurrent Resolution by Judiciary  
**A constitutional amendment allowing for a voter petition process to call the legislature into special session during a state of disaster emergency.**  
 01/28/2021 Senate—Introduced—SJ 115  
 01/29/2021 Senate—Referred to Committee on Judiciary—SJ 122
- S 1605** Concurrent Resolution by Senators Holland, Haley, Pittman  
**Constitutional amendment reserving the powers of initiative and referendum to the people.**  
 02/01/2021 Senate—Introduced—SJ 126  
 02/02/2021 Senate—Referred to Committee on Judiciary—SJ 137
- S 1606** Concurrent Resolution by Local Government  
**A constitutional amendment to grant counties home rule powers.**  
 02/04/2021 Senate—Introduced—SJ 143  
 02/05/2021 Senate—Referred to Committee on Local Government—SJ 154  
 02/17/2021 Senate—Hearing: Tuesday, February 23, 2021, 9:30 AM Room 142-S
- S 1607** Concurrent Resolution by Senator Pyle  
**Proposing a constitutional amendment providing that locally elected school boards are the only governmental entity with the authority to close schools.**  
 02/04/2021 Senate—Introduced—SJ 146  
 02/05/2021 Senate—Referred to Committee on Judiciary—SJ 154
- S 1608** Concurrent Resolution by Judiciary  
**Proposing to amend section 3 of the Kansas bill of rights regarding the right to petition the government for the redress of grievances, including by**

- citizen-initiated grand jury.**
- 02/08/2021 Senate—Introduced—SJ 158  
 02/09/2021 Senate—Referred to Committee on Judiciary—SJ 164  
 03/10/2021 Senate—Hearing: Friday, March 12, 2021, 10:30 AM Room 346-S
- S 1609** Concurrent Resolution by Ways and Means  
**Proposing a constitutional amendment that provides for legislative oversight of rules and regulations adopted by executive branch agencies and officials.**
- 02/24/2021 Senate—Introduced—SJ 243  
 02/25/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 247
- S 1610** Concurrent Resolution by Senators Masterson, Suellentrop, Sykes  
**Providing for the first adjournment of the Senate and House of Representatives for a period of time during the 2021 regular session of the legislature.**
- 03/03/2021 Senate—Introduced—SJ 315  
 03/03/2021 Senate—Adopted without roll call—SJ 315  
 03/04/2021 House—Received and Introduced—HJ 455  
 03/04/2021 House—Adopted without roll call—HJ 455  
 03/11/2021 Senate—Enrolled and presented to Secretary of State on Thursday, March 11, 2021—SJ 329
- S 1611** Concurrent Resolution by Federal and State Affairs  
**Article V Convention to propose amendments to limit federal power.**
- 03/12/2021 Senate—Introduced—SJ 330  
 03/15/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 331  
 03/17/2021 Senate—Hearing: Tuesday, March 23, 2021, 10:30 AM Room 144-S  
 05/04/2021 Senate—Committee Report recommending resolution be adopted as amended by Committee on Federal and State Affairs—SJ 1105  
 05/05/2021 Senate—Committee of the Whole - Motion by Senator Olson to refer to Committee on Federal and State Affairs passed Yea: 21 Nay: 19—SJ 1254
- S 1612** Concurrent Resolution by Senators Masterson, Wilborn, Sykes  
**Withdrawn**
- 04/09/2021 Senate—Introduced  
 04/09/2021 Senate—Withdrawn
- S 1613** Concurrent Resolution by Senators Masterson, Wilborn, Sykes  
**Providing for the adjournment of the Senate and House of Representatives for a period of time during the 2021 regular session of the Legislature.**
- 04/09/2021 Senate—Introduced—SJ 1091  
 04/09/2021 Senate—Adopted without roll call—SJ 1091  
 04/09/2021 House—Received and Introduced  
 04/09/2021 House—Adopted without roll call—HJ 1252  
 05/03/2021 Senate—Enrolled and presented to Secretary of State on Friday, April 16, 2021—SJ 1106
- S 1614** Concurrent Resolution by Senator Hilderbrand  
**Calling for the creation of a national federalism task force to restore and maintain divisions between national and state governments.**
- 05/07/2021 Senate—Introduced—SJ 1260  
 05/26/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 1401
- S 1615** Concurrent Resolution by Senator Pyle  
**Proposing to amend section 13 of article 2 of the constitution of the state of Kansas regarding vote requirements for passage of bills or concurrent**

**resolutions.**

05/07/2021 Senate—Introduced—SJ 1307

05/26/2021 Senate—Referred to Committee on Federal and State Affairs—SJ 1401

**S 1616** Concurrent Resolution by Senators Masterson, Wilborn

**Urging the Kansas Governor to end Federal Pandemic Unemployment  
Compensation in support of Kansas businesses.**

05/26/2021 Senate—Introduced—SJ 1404

05/26/2021 Senate—Advanced to Final Action subject to amendment, debate, and  
roll call

05/26/2021 Senate—Emergency Final Action - Adopted; Yea: 27 Nay: 11—SJ 1405

05/26/2021 House—Received and Introduced—HJ 1548

05/26/2021 House—Emergency Final Action - Adopted; Yea: 79 Nay: 38—HJ 1548

05/26/2021 Senate—Enrolled and presented to Secretary of State on Wednesday,  
May 26, 2021

TITLE AND HISTORY OF SENATE RESOLUTIONS

- S 1701** Resolution by Senators Masterson, Suellentrop, Sykes  
**Providing for the organization of the Senate for the 2021 session.**  
 01/11/2021 Senate—Introduced—SJ 6  
 01/11/2021 Senate—Adopted without roll call—SJ 6  
 01/12/2021 Senate—Enrolled on Tuesday, January 12, 2021—SJ 43
- S 1702** Resolution by Senators Masterson, Suellentrop, Sykes  
**Assigning seats in the Senate for the 2021 session.**  
 01/11/2021 Senate—Introduced—SJ 7  
 01/11/2021 Senate—Adopted without roll call—SJ 7  
 01/12/2021 Senate—Enrolled on Tuesday, January 12, 2021—SJ 43
- S 1703** Resolution by Senators Masterson, Suellentrop, Sykes  
**Temporary rules of the Senate for the 2021 session.**  
 01/11/2021 Senate—Introduced—SJ 7  
 01/11/2021 Senate—Adopted without roll call—SJ 7  
 01/12/2021 Senate—Enrolled on Tuesday, January 12, 2021—SJ 43
- S 1704** Resolution by Senators Masterson, Suellentrop, Sykes  
**Adopting permanent rules of the Senate for the 2021-2024 term.**  
 01/11/2021 Senate—Introduced—SJ 9  
 01/12/2021 Senate—Referred to Committee of the Whole—SJ 41  
 02/01/2021 Senate—Motion to strike from the calendar - adopted—SJ 135
- S 1705** Resolution by Senators Masterson, Suellentrop, Sykes  
**Adopting the permanent rules of the Senate for the 2021-2024 term.**  
 01/22/2021 Senate—Introduced—SJ 70  
 01/22/2021 Senate—Referred to the Committee of the Whole—SJ 88  
 01/28/2021 Senate—Committee of the Whole - Be adopted—SJ 120  
 01/28/2021 Senate—Emergency Final Action - Adopted as amended; Yea: 35 Nay: 3—SJ 120  
 02/01/2021 Senate—Enrolled on Monday, February 1, 2021—SJ 135
- S 1706** Resolution by Senators Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Estes, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, Olson, O'Shea, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn  
**Honoring World War II Medal of Honor recipients**  
 02/01/2021 Senate—Introduced  
 02/01/2021 Senate—Adopted without roll call—SJ 129  
 02/03/2021 Senate—Enrolled on Wednesday, February 3, 2021—SJ 140
- S 1707** Resolution by Public Health and Welfare  
**Recognizing the need to administer the COVID-19 vaccine.**  
 02/02/2021 Senate—Introduced—SJ 137  
 02/02/2021 Senate—Referred to the Committee of the Whole—SJ 137  
 02/04/2021 Senate—Committee of the Whole - Be adopted—SJ 148  
 02/04/2021 Senate—Emergency Final Action - Adopted; Yea: 28 Nay: 8—SJ 152  
 02/05/2021 Senate—Enrolled on Friday, February 5, 2021—SJ 155
- S 1708** Resolution by Senator McGinn  
**Recognizing February 5, 2021, as National Wear Red Day.**

- 02/04/2021 Senate—Introduced—SJ 147  
 02/04/2021 Senate—Adopted without roll call—SJ 147  
 02/05/2021 Senate—Enrolled on Friday, February 5, 2021—SJ 155
- S 1709** Resolution by Commerce  
**Approving Executive Reorganization Order No. 48, transferring the division of tourism and the office of the director of tourism from the Kansas department of wildlife, parks and tourism to the department of commerce.**
- 02/12/2021 Senate—Introduced—SJ 209  
 05/26/2021 Senate—Died on Calendar
- S 1710** Resolution by Senators Hawk, Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Fagg, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Kerschen, Kloos, McGinn, Pettey, Pittman, Sykes, Ware  
**Honoring George Washington Carver.**
- 02/25/2021 Senate—Introduced—SJ 247  
 02/25/2021 Senate—Adopted without roll call—SJ 247  
 03/01/2021 Senate—Enrolled on Monday, March 1, 2021—SJ 268
- S 1711** Resolution by Senators Faust-Goudeau, Haley, Pittman  
**Recognizing the members of Delta Sigma Theta Sorority, Inc.**
- 02/25/2021 Senate—Introduced—SJ 248  
 02/25/2021 Senate—Adopted without roll call—SJ 248  
 03/01/2021 Senate—Enrolled on Monday, March 1, 2021—SJ 268
- S 1712** Resolution by Senator Billinger  
**Commemorating Marrietta Billinger's 100th birthday.**
- 02/25/2021 Senate—Introduced—SJ 249  
 02/25/2021 Senate—Adopted without roll call—SJ 249  
 03/01/2021 Senate—Enrolled on Monday, March 1, 2021—SJ 268
- S 1713** Resolution by Senators Suellentrop, Alley, Baumgardner, Erickson, Fagg, Faust-Goudeau, Hilderbrand, Kerschen, Masterson, McGinn, Petersen, Ware, Warren, Wilborn  
**Supporting the United States Army Future Vertical Lift program.**
- 03/02/2021 Senate—Introduced—SJ 275  
 03/02/2021 Senate—Adopted without roll call—SJ 275  
 03/04/2021 Senate—Enrolled on Thursday, March 4, 2021—SJ 317
- S 1714** Resolution by Senators Suellentrop, Hilderbrand, Kloos, Masterson, Wilborn  
**Recognizing National Vending Day.**
- 03/03/2021 Senate—Introduced—SJ 306  
 03/03/2021 Senate—Adopted without roll call—SJ 306  
 03/04/2021 Senate—Enrolled on Thursday, March 4, 2021—SJ 317
- S 1715** Resolution by Senators Masterson, Suellentrop, Sykes  
**Assigning seats in the Senate during the 2021 session.**
- 03/10/2021 Senate—Introduced—SJ 322  
 03/10/2021 Senate—Adopted without roll call—SJ 322  
 03/11/2021 Senate—Enrolled on Thursday, March 11, 2021—SJ 329
- S 1716** Resolution by Senator McGinn  
**Supporting the full development of an Amtrak passenger rail corridor between Oklahoma City, Oklahoma, and Newton, Kansas.**
- 03/30/2021 Senate—Introduced—SJ 474  
 03/30/2021 Senate—Adopted without roll call—SJ 474  
 03/31/2021 Senate—Enrolled on Wednesday, March 31, 2021—SJ 573

- S 1717** Resolution by Senators Masterson, Wilborn, Alley  
**Urging the legislative coordinating council to revoke any executive order issued by the governor related to mandating face coverings if such an executive order is issued while the legislature is adjourned.**  
 03/31/2021 Senate—Introduced—SJ 571  
 03/31/2021 Senate—Final Action - Adopted; Yea: 29 Nay: 11—SJ 571  
 04/09/2021 Senate—Enrolled on Friday, April 9, 2021—SJ 1092
- S 1718** Resolution by Senator Billinger  
**Designating April 7, 2021, as Joey Weber Remembrance Day.**  
 04/07/2021 Senate—Introduced—SJ 582  
 04/07/2021 Senate—Adopted without roll call—SJ 582  
 04/09/2021 Senate—Enrolled on Friday, April 9, 2021—SJ 1092
- S 1719** Resolution by Senator Holland  
**Congratulating and commending the Baldwin City High School girls wrestling team.**  
 04/08/2021 Senate—Introduced—SJ 615  
 04/08/2021 Senate—Adopted without roll call—SJ 615  
 04/09/2021 Senate—Enrolled on Friday, April 9, 2021—SJ 1092
- S 1720** Resolution by Senator McGinn  
**Recognizing April as child abuse prevention month.**  
 04/09/2021 Senate—Introduced—SJ 753  
 04/09/2021 Senate—Adopted without roll call—SJ 753  
 05/03/2021 Senate—Enrolled on Tuesday, April 13, 2021—SJ 1106
- S 1721** Resolution by Senator Sykes  
**Recognizing 25 years of 529 Savings Plans.**  
 05/04/2021 Senate—Introduced—SJ 1108  
 05/04/2021 Senate—Adopted without roll call—SJ 1108  
 05/04/2021 Senate—Enrolled on Tuesday, May 4, 2021—SJ 1120

## TITLE AND HISTORY OF EXECUTIVE REORGANIZATION ORDERS

- ERO 47** Executive Reorganization Order by Governor Kelly  
**Renaming the Kansas department for children and families the Kansas department of human services; abolishing the Kansas department for aging and disability services and transferring the functions to the Kansas department of human services.**  
1/26/2021 Senate—Received  
1/26/2021 Senate—Introduced—SJ 94  
1/27/2021 Senate—Referred to Senate Committee on Public Health and Welfare—SJ 110
- ERO 48** Executive Reorganization Order by Governor Kelly  
**Transferring the division of tourism and the office of the director of tourism from the Kansas department of wildlife, parks and tourism to the department of commerce; renaming the Kansas department to wildlife, parks and tourism as the Kansas department of wildlife and parks; establishing the position of assistant secretary for operations; and abolishing the position of assistant secretary of wildlife, fisheries, and boating and the position of assistant secretary for parks and tourism.**  
1/26/2021 Senate—Received  
1/26/2021 Senate—Introduced—SJ 104  
1/27/2021 Senate—Referred to Senate Committee on Commerce—SJ 110  
2/12/2021 Senate—Committee report from Senate Committee on Commerce recommending adoption of resolution approving ERO 48—SJ 209  
2/12/2021 Senate—SR 1709 introduced by Senate Committee on Commerce—SJ 209

FINAL  
**SENATE CALENDAR**

No. 66

**JANUARY 11, 2021 THROUGH ADJOURNMENT MAY 26, 2021**

**NUMERICAL SCHEDULE OF SENATE BILLS**

1 H Approp	33 Signed	65 Signed
2 H Com, Labor, Econ	34 Fed & State	66 Signed
3 Judiciary	35 Fed & State	67 Signed
4 Stricken, H Cal	36 Signed	68 H Transportation
5 Judiciary	37 Signed	H Sub
6 Judiciary	38 Signed	69 Stricken, H Cal
7 Judiciary	39 Signed	70 H Tax
8 Stricken, Cal	40 Signed	71 H Gen Orders
9 Judiciary	41 Pub H & Wel	72 H Tax
10 Commerce	42 Pub H & Wel	73 Judiciary
11 Fed & State	Sub	74 Judiciary
12 Pub H & Wel	43 Stricken, Cal	75 Judiciary
13 Signed	44 Education	76 Assess & Tax
14 Signed	45 Assess & Tax	77 Signed
15 Signed	46 Gen Orders	H Sub
16 Signed	47 Signed	78 Signed
17 Transparency/Ethics	48 Fin Inst & Ins	79 Fed & State
18 Transportation	H Sub	80 Utils
19 H Transportation	49 H Gen Orders	81 Utils
20 H Transportation	50 Veto Overridden	82 Fin Inst & Ins
21 Signed	51 H Approp	83 H Child/Seniors
22 H Tax	52 Signed	H Sub Sub
23 H Tax	53 H Gen Orders	84 H Gen Orders
24 Law w/o Signature	54 Judiciary	85 H Child/Seniors
25 Stricken, Cal	55 Veto Sustained	86 Signed
H Sub	56 Stricken, H Cal	87 Gen Orders
26 Signed	57 Judiciary	88 Signed
27 Signed	58 Conf Com	89 Signed
28 H Insur & Pensions	59 Stricken, Cal	90 Signed
29 Veto Sustained,	60 Signed	H Sub
Signed	61 H K-12 Ed Budget	91 Conf Com
30 Fin Inst & Ins	62 H Approp	92 Pub H & Wel/ Fed & State
31 Stricken, Cal	63 Signed	93 Gen Orders
32 H Approp	64 Signed	

94 Fed & State	134 Ways & Means	175 CCR Not Adopted
95 Signed	135 Fin Inst & Ins	176 Commerce
96 Fed & State	136 Judiciary	177 Commerce
97 Local Gov	137 Commerce	178 Signed
H Sub	138 Pub H & Wel	179 Fed & State
98 H Gen Orders	139 Education	180 Assess & Tax
H Sub	140 Ways & Means	181 H Fed & State
99 Signed	141 Judiciary	182 Transparency/Ethics
Sub	142 Signed	183 Transparency/Ethics
100 H Transportation	143 Signed	184 Fed & State
101 H Transportation	144 Education	185 H Approp
102 H Judiciary	145 H Approp	186 Transportation
103 Signed	146 Gen Orders	187 Fed & State
104 H Judiciary	147 H Gen Orders	188 Fed & State
105 Stricken, Cal	148 Assess & Tax	189 Commerce
106 Signed	149 Assess & Tax	190 Fed & State
107 Signed	150 Judiciary	191 Transparency/Ethics
108 Fed & State	151 Judiciary	192 Fed & State
109 Fed & State	152 Judiciary	193 Commerce
110 Ways & Means	153 Local Gov	194 Commerce
111 Assess & Tax	154 Gen Orders	195 Judiciary
112 Assess & Tax	155 Pub H & Wel	196 Judiciary
113 Transportation	156 Fed & State	197 Judiciary
114 Fin Inst & Ins	157 Transparency/Ethics	198 Judiciary
115 Assess & Tax	H Sub	199 H Ins & Pensions
116 H Transportation	158 Fed & State	200 Pub H & Wel
117 Ways & Means	159 Line-item Veto	201 Fed & State
118 Signed	Sustained	202 Assess & Tax
119 H Gen Orders	160 Conf Com	203 Commerce
120 Stricken, H Cal	161 Gen Orders	204 Stricken, H Cal
121 Pub H & Wel	162 Commerce	205 Judiciary
122 Signed	163 Commerce	206 Judiciary
123 Judiciary	164 Commerce	207 Pub H & Wel
H Sub	165 Fed & State	208 H Education
124 Signed	166 Fed & State	209 Fed & State
125 Fed & State	H Sub	210 Fed & State
126 H Gen Orders	167 Stricken, H Cal	211 Pub H & Wel
127 Signed	168 Pub H & Wel	212 Gen Orders
128 Fin Inst & Ins	169 Fed & State	213 Commerce
129 Pub H & Wel	170 Signed	214 Judiciary
130 Fed & State	171 Assess & Tax	215 Education
131 H Transportation	172 Signed	216 Assess & Tax
132 Judiciary	173 Gen Orders	217 Assess & Tax
133 Utils	174 Pub H & Wel	218 Fin Inst & Ins

219 Commerce	252 Fed & State	284 Judiciary
220 Judiciary	253 Fed & State	285 Transportation
221 Education	254 Fed & State	Sub
222 Assess & Tax	255 Fed & State	286 H Judiciary
223 Utils	256 Fed & State	287 Pub H & Wel
224 Transportation	257 Fed & State	288 Fin Inst & Ins
225 Fin Inst & Ins	258 Fed & State	289 Ways & Means
226 Assess & Tax	259 Commerce	290 H Ins & Pensions
227 Pub H & Wel	260 Transparency/Ethics	291 Commerce
228 Assess & Tax	261 H Ag	292 Fed & State
229 Judiciary	262 Fed & State	293 Fed & State
230 Judiciary	263 Gen Orders	294 Fed & State
231 Judiciary	264 Gen Orders	295 Gen Orders
232 Ways & Means	265 H Ins & Pensions	296 Assess & Tax
233 Assess & Tax	266 Ways & Means	297 Local Gov
234 Assess & Tax	Sub	298 Pub H & Wel
235 Died, H Gen Orders	267 H Approp	299 Ways & Means
236 Commerce	268 Ways & Means	300 Judiciary
237 Pub H & Wel	269 Ag & Nat Res	301 Judiciary
Sub	270 Judiciary	302 Assess & Tax
238 Signed	271 Judiciary	303 Pub H & Wel
239 Pub H & Wel	272 Judiciary	304 H Judiciary
240 Pub H & Wel	H Sub Sub	305 Transportation
241 Pub H & Wel	273 Veto Sustained	306 Assess & Tax
242 Fin Inst & Ins	274 Pub H & Wel	307 Fed & State
243 Fin Inst & Ins	275 Pub H & Wel	308 Judiciary
244 Fin Inst & Ins	276 Pub H & Wel	309 Transportation
245 Fin Inst & Ins	277 Assess & Tax	310 Fed & State
246 Judiciary	278 Transportation	311 Assess & Tax
247 Judiciary	279 Utils	312 Fed & State
248 Pub H & Wel	280 Ways & Means	313 Transportation
249 Ways & Means	281 Commerce	314 Gen Orders
250 Ways & Means	282 Gen Orders	315 Pub H & Wel
251 Pub H & Wel	283 Signed	

**NUMERICAL SCHEDULE OF  
SENATE CONCURRENT RESOLUTIONS  
2021 SESSION**

1601 Adopted & Enr	1607 Judiciary	1612 Withdrawn
1602 Stricken, Cal	1608 Judiciary	1613 Adopted & Enr
1603 Transportation	1609 Fed & State	1614 Fed & State
1604 Judiciary	1610 Adopted & Enr	1615 Fed & State
1605 Judiciary	1611 Fed & State	1616 Adopted & Enr
1606 Local Gov		

**NUMERICAL SCHEDULE OF  
SENATE RESOLUTIONS  
2021 SESSION**

1701 Adopted & Enr	1708 Adopted & Enr	1715 Adopted & Enr
1702 Adopted & Enr	1709 Died, Cal	1716 Adopted & Enr
1703 Adopted & Enr	1710 Adopted & Enr	1717 Adopted & Enr
1704 Stricken, Cal	1711 Adopted & Enr	1718 Adopted & Enr
1705 Adopted & Enr	1712 Adopted & Enr	1719 Adopted & Enr
1706 Adopted & Enr	1713 Adopted & Enr	1720 Adopted & Enr
1707 Adopted & Enr	1714 Adopted & Enr	1721 Adopted & Enr

**SENATE ACTION ON HOUSE BILLS  
2021 SESSION**

2001 Gen Orders	2063 Passed	Sub
2005 Fed & State	2064 CCR Adopted	2089 Pass, Am
2007 Veto Sustained	Sub	2090 Gen Orders
2008 Passed	2066 CCR Adopted	2093 Gen Orders
2014 Passed	2070 Passed	S Sub
2021 CCR Adopted	2071 Pass Am	2094 Gen Orders
2022 CCR Adopted	S Sub	2096 Gen Orders
2026 CCR Adopted	2072 Passed	2097 Commerce
2029 Judiciary	S Sub	2101 Passed
2030 Judiciary	2074 CCR Adopted	S Sub
2039 CCR Adopted	2075 Judiciary	2102 Passed
2045 Commerce	2076 Judiciary	2103 Ag & Nat Res
Sub	2077 CCR Adopted	S Sub
2049 Passed	2078 Pass Am	2104 CCR Adopted
2050 Passed	2079 CCR Adopted	2106 Conf Com
2052 Transparency/Ethics	2081 Judiciary	2109 Judiciary
2056 Fed & State	2082 Gen Orders	2112 Passed
2057 Fed & State	2085 Passed	2114 CCR Adopted
2058 Veto overridden	2087 Gen Orders	2115 Gen Orders
S Sub	2088 Pub H & Wel	2116 Gen Orders
2062 Gen Orders		

Sub	S Sub	S Sub
2119 Education	2201 Passed	2287 Gen Orders
2120 Judiciary	2203 Pass Am	2292 Transparency/Ethics
2121 CCR Adopted	S Sub	2295 Passed
2124 Passed	2208 CCR Adopted	2297 Transparency/Ethics
2125 Judiciary	2209 Fed & State	2298 Passed
2126 Passed	2212 Fed & State	S Sub
2128 Judiciary	2214 Passed	2313 CCR Adopted
2134 CCR Adopted	2218 CCR Adopted	2315 Assess & Tax
2136 Pass Am	2219 Commerce	2316 Assess & Tax
2137 CCR Adopted	2224 Pass Am	2321 Passed
S Sub	2227 Passed	2329 Utils
2138 Conf Com	2228 Judiciary	2332 Veto overridden
2143 CCR Adopted	2231 Judiciary	2339 Fed & State
2145 Passed	2234 Gen Orders	2361 Judiciary
2150 Pub H & Wel	2236 Fin Inst & Ins	2362 Judiciary
2151 Gen Orders	2237 Gen Orders	2363 Gen Orders
S Sub	2238 Passed	2366 Judiciary
2153 Passed	S Sub	2367 Passed
2155 Passed	2239 Gen Orders	2374 Judiciary
2158 CCR Adopted	2243 CCR Adopted	2377 Gen Orders
2162 Passed	2244 CCR Adopted	2379 Passed
2165 Pass Am	2245 Pass Am	2380 Fin Inst & Ins
Sub	2247 Pass Am	2387 Judiciary
2166 Veto overridden	2248 Gen Orders	2390 CCR Adopted
2167 Pass Am	S Sub	2391 Pass Am
2172 Passed	2252 Conf Com	S Sub Sub
2175 Gen Orders	2254 Pass Am	2397 Passed
2176 Local Gov	2259 Pub H & Wel	2401 Pass Am
2178 Pass Am	S Sub	2405 CCR Adopted
S Sub	2262 Gen Orders	2406 Fed & State
2183 Veto overridden	2264 Gen Orders	2408 Passed
2187 Pass Am	2270 Passed	2412 Judiciary
2191 Judiciary	2275 Judiciary	2416 Judiciary
2192 Judiciary	2277 Judiciary	2417 Fed & State
S Sub Sub	2279 Gen Orders	2448 Pub H & Wel
2196 CCR Adopted	2280 Gen Orders	

**SENATE ACTION ON HOUSE CONCURRENT RESOLUTIONS  
2021 SESSION**

5001 Adopted	5005 Gen Orders	5015 Adopted
5003 Adopted	5013 Fed & State	5019 Adopted

## SENATE BILLS CARRIED OVER TO 2022 SESSION

1 H Approp	75 Judiciary	129 Pub H & Wel
2 H Com, Labor, Econ	76 Assess & Tax	130 Fed & State
3 Judiciary	79 Fed & State	131 H Transportation
5 Judiciary	80 Utils	132 Judiciary
6 Judiciary	81 Utils	133 Utils
7 Judiciary	82 Fin Inst & Ins	134 Ways & Means
9 Judiciary	83 H Child/Seniors	135 Fin Inst & Ins
10 Commerce	H Sub Sub	136 Judiciary
11 Fed & State	84 H Gen Orders	137 Commerce
12 Pub H & Wel	85 H Child/Seniors	138 Pub H & Wel
17 Transparency/Ethics	87 Gen Orders	139 Education
18 Transportation	H Sub	140 Ways & Means
19 H Transportation	91 Conf Com	141 Judiciary
20 H Transportation	92 Pub H & Wel/ Fed & State	144 Education
22 H Tax	93 Gen Orders	145 H Approp
23 H Tax	94 Fed & State	146 Gen Orders
28 H Insur & Pensions	96 Fed & State	147 H Gen Orders
30 Fin Inst & Ins	97 Local Gov	148 Assess & Tax
32 H Approp	H Sub	149 Assess & Tax
34 Fed & State	98 H Gen Orders	150 Judiciary
35 Fed & State	Sub	151 Judiciary
41 Pub H & Wel	100 H Transportation	152 Judiciary
42 Pub H & Wel	101 H Transportation	153 Local Gov
44 Education	102 H Judiciary	154 Gen Orders
45 Assess & Tax	104 H Judiciary	155 Pub H & Wel
46 Gen Orders	108 Fed & State	156 Fed & State
48 Fin Inst & Ins	109 Fed & State	157 Transparency/Ethics
H Sub	110 Ways & Means	H Sub
49 H Gen Orders	111 Assess & Tax	158 Fed & State
51 H Approp	112 Assess & Tax	160 Conf
53 H Gen Orders	113 Transportation	161 Gen Orders
54 Judiciary	114 Fin Inst & Ins	162 Commerce
57 Judiciary	115 Asses & Tax	163 Commerce
58 Conf Com	116 H Transportation	164 Commerce
61 H K-12 Ed Budget	117 Ways & Means	165 Fed & State
62 H Approp	119 H Gen Orders	166 Fed & State
68 H Transportation	121 Pub H & Wel	168 Pub H & Wel
70 H Tax	123 Judiciary	169 Fed & State
71 H Gen Orders	125 Fed & State	171 Assess & Tax
72 H Tax	126 H Gen Orders	173 Gen Orders
73 Judiciary	128 Fin Inst & Ins	174 Pub H & Wel
74 Judiciary		176 Commerce

177 Commerce	222 Assess & Tax	Sub
179 Fed & State	223 Utils	267 H Approp
180 Assess & Tax	224 Transportation	268 Ways & Means
181 H Fed & State	225 Fin Inst & Ins	269 Ag & Nat Res
182 Transparency/Ethics	226 Assess & Tax	270 Judiciary
183 Transparency/Ethics	227 Pub H & Wel	271 Judiciary
184 Fed & State	228 Assess & Tax	272 Judiciary
185 H Approp	229 Judiciary	274 Pub H & Wel
186 Transportation	230 Judiciary	275 Pub H & Wel
187 Fed & State	231 Judiciary	276 Pub H & Wel
188 Fed & State	232 Ways & Means	277 Assess & Tax
189 Commerce	233 Assess & Tax	278 Transportation
190 Fed & State	234 Assess & Tax	279 Utils
191 Transparency/Ethics	236 Commerce	280 Ways & Means
192 Fed & State	237 Pub H & Wel	281 Commerce
193 Commerce	239 Pub H & Wel	282 Gen Orders
194 Commerce	240 Pub H & Wel	284 Judiciary
195 Judiciary	241 Pub H & Wel	285 Transportation
196 Judiciary	242 Fin Inst & Ins	Sub
197 Judiciary	243 Fin Inst & Ins	286 H Judiciary
198 Judiciary	244 Fin Inst & Ins	287 Pub H & Wel
199 H Ins & Pensions	245 Fin Inst & Ins	288 Fin Inst & Ins
200 Pub H & Wel	246 Judiciary	289 Ways & Means
201 Fed & State	247 Judiciary	290 H Ins & Pensions
202 Assess & Tax	248 Pub H & Wel	291 Commerce
203 Commerce	249 Ways & Means	292 Fed & State
205 Judiciary	250 Ways & Means	293 Fed & State
206 Judiciary	251 Pub H & Wel	294 Fed & State
207 Pub H & Wel	252 Fed & State	295 Gen Orders
208 H Education	253 Fed & State	296 Assess & Tax
209 Fed & State	254 Fed & State	297 Local Gov
210 Fed & State	255 Fed & State	298 Pub H & Wel
211 Pub H & Wel	256 Fed & State	299 Ways & Means
212 Gen Orders	257 Fed & State	300 Judiciary
213 Commerce	258 Fed & State	301 Judiciary
214 Judiciary	259 Commerce	302 Assess & Tax
215 Education	260 Transparency/Ethics	303 Pub H & Wel
216 Assess & Tax	261 H Ag	304 H Judiciary
217 Assess & Tax	262 Fed & State	305 Transportation
218 Fin Inst & Ins	263 Gen Orders	306 Assess & Tax
219 Commerce	264 Gen Orders	307 Fed & State
220 Judiciary	265 H Ins & Pensions	308 Judiciary
221 Education	266 Ways & Means	309 Transportation

1506

HISTORY OF BILLS

310 Fed & State

312 Fed & State

314 Gen Orders

311 Assess & Tax

313 Transportation

315 Pub H & Wel

**SENATE CONCURRENT RESOLUTIONS  
CARRIED OVER TO 2022 SESSION**

1603 Transportation

1607 Judiciary

1611 Fed & State

1604 Judiciary

1608 Judiciary

1614 Fed & State

1605 Judiciary

1609 Fed & State

1615 Fed & State

1606 Local Gov

**SUMMARY OF ACTIONS ON SENATE BILLS  
AND SENATE RESOLUTIONS**

**Senate Bills**

Senate bills introduced in 2021 Session .....	315
Senate bills signed by Governor .....	43
Senate bills vetoed (or with line-items) by the Governor .....	5
(SB 50, veto over-ridden; SB 159, line-items sustained)	
Senate bills becoming law without Governor's signature .....	1
Senate bills killed in Senate .....	6
Senate bills killed in House .....	7
Senate bills died in Conference .....	1
Senate bills carried over to 2022 Session .....	252
Senate bills in Senate Committees .....	195
Senate bills in House Committees .....	33
Senate bills on Senate Calendar .....	13
Senate bills on House Calendar .....	8
Senate bills in Conference Committee .....	3
TOTAL .....	315

**Senate Concurrent Resolutions**

Senate concurrent resolutions introduced in 2021 Session .....	16
Senate concurrent resolutions adopted by both houses .....	4
Senate concurrent resolutions killed in Senate .....	1
Senate concurrent resolutions died on Senate Calendar .....	1
Senate concurrent resolutions carried over to 2022 Session .....	10
Senate concurrent resolutions in Senate Committees .....	10
TOTAL .....	16

**Senate Resolutions**

Senate resolutions introduced in the 2021 Session .....	21
Senate resolutions adopted .....	19
Senate resolutions died on Senate Calendar .....	2
TOTAL .....	21

**STATUS OF BILLS AND RESOLUTIONS**

**Senate bills signed by the Governor:** Nos. 15, 16, 26, 27, 33, 36, 37, 52, 60, 64, 65, 66, 67, H Sub 78, 89, 90, 95, 103, 106, 107, 118, 122, H Sub 124, 143, 170, 172, 178

**Senate bills signed by the Governor and published in Kansas Register:** Nos. 13, 14, 21, 38, 39, 40, 47, 63, 77, 86, 88, H Sub 99, 127, 142, 159 (with line-item vetoes), Sub 238, 283

**Senate bills becoming law without Governor's Signature:** No. 24

**Senate bills vetoed by the Governor:** Nos. 29, 55, H Sub Sub 273

**Senate bills veto overridden:** No. 50

**Senate resolutions adopted:** Nos. 1701, 1702, 1703, 1705, 1706, 1707, 1708, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721

**Senate concurrent resolutions adopted by both Houses:** Nos. 1601, 1610, 1613, 1616

**APPOINTMENTS, COMMUNICATIONS, CONFIRMATIONS,  
MESSAGES FROM THE GOVERNOR  
2021 SENATE JOURNAL**

**APPOINTMENTS**

Secretary of State Scott Schwab appointed Corey Carnahan to serve as temporary Secretary of the Senate, page 1.

The Reverend Cecil T. Washington, Jr., of New Beginnings Church, Topeka, to serve as Chaplain of the Senate, page 1.

**SR 1701**, relating to the organization of the Senate with the following officers: Ty Masterson, president; Rick Wilborn, vice president; Gene Suellentrop, majority leader; Dinah Sykes, minority leader; Corey Carnahan, secretary; and Don Cackler, sergeant at arms, page 7.

**SR 1702**, relating to the assignment of seats of the Senate, page 7.

**COMMUNICATIONS FROM STATE OFFICERS**

Secretary of the Senate, Corey Carnahan, received the following reports and communications during the interim since adjournment of the 2021 Regular Session of the Legislature:

Submitted for confirmation by Steven Gould, D.C., President, Kansas Board of Healing Arts: Tucker L. Poling as Executive Director of the Board of Healing Arts, page 36.

Submitted for confirmation by Attorney General Derek Schmidt: Stu Hite as a member of the Crime Victims Compensation Board, page 37.

Johnson County Educational Research Triangle Authority; Annual Report, page 37.

Kansas Criminal Justice Reform Commission Report to the 2021 Legislature, page 37.

Kansas Pooled Money Investment Board; Annual Report for Fiscal year 2020, page 37.

Board of Indigents' Defense Services Annual Report for Fiscal Year 2019, page 37.

Kansas Attorney General Derek Schmidt submitted the report on the number of concealed carry handgun licenses for the preceding fiscal year, page 37.

State Child Death Review Board Annual Report for 2020, page 37.

Kansas Juvenile Justice Oversight Committee Annual Report for 2020, page 37.

Kansas State Department of Education submitted the Annual report on school safety and security, page 37.

Governor Laura Kelly submitted the following Executive Orders and Directives:

Executive Orders 20-45 through 20-73, page 38.

Executive Directives 20-519, 20-521, 20-522, 20-523, 20-524, 20-526, 20-527 authorizing the expenditure of federal funds, page 38.

Executive Directives 20-518, 20-525 authorizing personnel transactions, page 38.

Executive Directives 20-520, 20-528 authorizing personnel transactions and the expenditure of federal funds, page 38.

Executive Directives 21-01, 21-02 and 21-03, page 219.

Kansas Department of Health and Environment annual report on the Stan Clark Pregnancy Maintenance Initiative Program (PMI) (January 1, 2021), page 41.

Kansas Department for Aging and Disability Services annual report on the Transitional and Conditional Release of Persons Committed to the Sexual Predator Treatment Program (January 11, 2021), page 41.

Office of the Attorney General annual report of the Abuse, Neglect and Exploitation Unit (January 11, 2021), page 41.

Kansas State Treasurer Annual Report (January 11, 2021), page 41.

Kansas Employment First Oversight Commission annual report, page 45.

Kansas Board of Regents Post Secondary Technical Education Authority (TEA) Annual Report (September 2020), page 50.

Kansas Board of Regents Kansas Training Information Program (K-TIP) Annual Report (December 2020), page 50.

Kansas Board of Regents Student Financial Aid Annual Report (January 2021), page 50.

Kansas Board of Regents KAN-ED Summary Report (January 2021), page 50.

Kansas Board of Regents Annual Report on State University Building Inventory, Space Utilization and Facilities Condition (January 11, 2021), page 50.

Kansas Board of EMS annual report (January 14, 2021), page 50.

Kansas Department of Health and Environment 2021-2025 State Solid Waste Management Plan, page 53.

Kansas Department of Health and Environment Solid Waste Management Fund – A Review of Program Revenue and Expenditures in SFY 2020, page 53.

Kansas Department of Health and Environment Household Hazard Waste Program SFY 2020 Report to the Legislature, page 53.

Kansas Department of Health and Environment Dry Cleaner Remediation Program 2020 Report to the Kansas Legislature, page 53.

Kansas Department of Health and Environment Storage Tank Program SFY 2020 Report to the Kansas Legislature, page 53.

Kansas Department of Health and Environment Water Pollution Control Revolving Fund Annual Report for FY 2020, page 53.

Kansas Department of Health and Environment Public Water Supply Loan Fund Annual report for FY 2020, page 53.

Kansas State Employees Health Care Commission Annual Report (Plan Year 2020), page 109.

Kansas Board of Regents Annual Report on Exceptions to the Minimum Admission Standards at State Universities (January 2021), page 109.

Kansas Water Office Authority Annual Report (2021), page 109.

Kansas Highway Patrol annual report regarding the state forfeiture fund (January 13, 2021), page 138

Kansas Attorney General report on the implementation, administration and enforcement of the provisions of the Scrap Metal Theft Reduction Act (SMTRA) (January 29, 2021), page 138

Kansas Guardianship Program: 2020 Annual Report (July 1, 2019-June 30 2020), page 140

Kansas Division of the Budget: Annual Report for Rules and Regulations (January 29, 2021), page 140

Kansas Department for Aging and Disability Services: CARE Annual Report (FY 2020), page 140

Office of Rural Prosperity Annual Report 2020, page 154

Department of Commerce: Fiscal Year 2020 Promoting Employment Across Kansas (PEAK) Annual Report (February 1, 2021), page 154

Department of Commerce: Fiscal Year 2020 Job Creation Program Fund (JCF) Annual Report (February 1, 2021, page 154)

Department of Commerce: Fiscal Year 2020 Rural Opportunities Zones Act (ROZ) Annual Report (February 1, 2021), page 154

Department of Commerce: 2020 STAR Bonds Annual Report (February 1, 2021), page 154

Department of Commerce: 2020 Annual Report

Office of the Attorney General: Attorney General's State Medicaid Fraud Forfeiture Fund Annual Report (February 1, 2021), page 155

Kansas Board of Pharmacy: Report on Substances Proposed for Scheduling, Rescheduling or Deletion (February 11, 2021), page 237

Kansas Forest Service: Annual Report 2020 (February 22, 2021), page 237

Office of the Attorney General: Appointing Becky Dickinson as a member of the Crime Victims Compensation Board, to serve a four-year term, page 362

Kansas Insurance Commissioner: Appointing Daniel Klucas as Kansas Securities Commissioner, to serve a term ending January 15, 2025

Office of the Attorney General: Appointing Steven D. Anderson to serve as Medicaid Inspector General, to serve a term ending January 15, 2025

Office of the Attorney General: Appointing Becky Dickinson as a member of the Crime Victims Compensation Board, to serve a term ending March 15, 2025

Kansas Department of Revenue: 2020 Preliminary Real Estate Appraisal/Sales Ratio Study as required by K.S.A. 79-1490

## **CONFIRMATION OF APPOINTMENTS**

Consideration of confirmation of appointments: pages 58 through 66; page 195, page 203, page 216, page 240, page 328, 391, 559, 577-579, 1253, 1254.

## **MESSAGES FROM THE GOVERNOR**

Submitting for confirmation: Dr. Talal W. Khan, University of Kansas Hospital Authority; Lea Tatum-Haskell, State Banking Board, page 30.

Submitting for confirmation: David Moses, Kansas Racing and Gaming Commission; Thomas Wright, State Civil Service Board; Larry Turnquist, Kansas Racing and Gaming Commission, page 31.

Submitting for confirmation: Mary A. Berry, Kansas Banking Board; Chris Ioder, Commander of the Kansas Air National Guard; Thomas P. Browne, Jr., Kansas Board of Tax Appeals; Margaret La Rue, Jr., Kansas Lottery Commission, page 32.

Submitting for confirmation: Andrew French, Kansas Corporation Commission; Dennis McKinney, Pooled Money Investment Board; Amy Cline, Judge, Kansas Court of Appeals, page 33.

Submitting for confirmation: Pete Brungardt, Kansas Lottery Commission; Carl Folsom III, Judge, Kansas Court of Appeals; Christal Watson, Kansas Human Rights Commission; Monte Coffman, KU Hospital Authority; Dr. Elixabeth Henderson King, KU Hospital Authority, page 34.

Submitting for confirmation: Robba Moran, KU Hospital Authority; Irvin Mitchell, State Banking Board; Leonard Wolfe, State Banking Board; Maureen Mahoney, KU Hospital Authority, page 35.

Submitting for confirmation: James Zakoura, KPERS Board of Trustees; Vickie Hurt, Credit Union Administration; Tracie Thomas, Pooled Money Investment Board; Connie

Owen, Kansas Water Office; Valorie Jacobs, Employment Security Board of Review; Gregory Graves, KU Hospital Authority, page 36.

Executive Directive No. 21-529, page 54.

**SB 14** signed January 25, 2021, page 92.

Executive Reorganization Order No. 47, page 94.

Executive Reorganization Order No. 48, page 104.

Submitting for confirmation: Michael Kane, Kansas Human Rights Commission; David Dillon, KU Hospital Authority; Thomas P. Browne, Jr., Kansas Board of Tax Appeals, pages 110-111.

Submitting for confirmation: Camille Russell, State Long-Term Care Ombudsman; Col. Michael Venerdi, Brigadier General, Director of the Joint Staff, Kansas National Guard; Virginia Powell, Kansas Board of Tax Appeals; Kevin Lockett, KU Hospital Authority; Dawn Buehler, Chair, Kansas Water Authority, pages 130-131.

Submitting for confirmation: Robert E. Marx, Appraiser, Kansas Board of Tax Appeals, page 164.

Submitting for confirmation: Joseph Jeter, State Banking Board; Jacy Hurst, Judge, Kansas Court of Appeals, page 219.

Submitting for confirmation: Kathleen VonAchen, KPERs Board of Trustees, page 220.

Executive Order 21-04, page 240.

Submitting for confirmation: Lesley Isherwood, Judge, Kansas Court of Appeals, page 326.

**SB 33** signed into law March 11, 2021, page 326.

Submitting for confirmation: Mark Uhlig, KU Hospital Authority; Amber Shultz, Secretary, Kansas Department of Labor; Tom Phillips, State Civil Service Board; Sheryl Gilchrist, State Civil Service Board, page 362.

Submitting for confirmation: Kristen Wheeler, State Board of Tax Appeals, page 386.

Executive Order 21-08, page 390.

Submitting for confirmation: Brandon Jones, Kansas Racing and Gaming Commission; Suchitra Padmanabhan, Kansas Development Finance Authority, page 396.

**SB 40** signed into law March 24, 2021, page 410.

Executive Directives No. 21-531 and 21-532, page 410.

**SB 13** signed into law March 26, 2021, page 436.

**SB 21** and **SB 77** signed into law March 30, 2021, page 551.

**SB 283** signed into law March 31, 2021, page 573.

**SB 64**, **SB 118** approved on April 2, 2021, page 574.

**SB 37**, **SB 63**, **SB 99** approved on April 5, 2021, page 574.

The following Executive Orders are enclosed for your information: EO 21-09, EO 21-10, EO 21-11, EO 21-12, EO 21-13, EO 21-14, EO 21-15, EO 21-16, EO 21-17, EO 21-18, EO 21-19, EO 21-20, EO 21-21. (April 1, 2021), page 574.

**SB 52**, **SB 172** approved on April 9, 2021.

**SB 24** will become law without the Governor's signature on April 9, 2021.

**SB 65**, **SB 66**, **SB 90**, **SB 124** approved on April 15, 2021, May 3, 2021.

**SB 16**, **SB 89** approved on April 16, 2021, May 3, 2021.

**SB 26**, **SB 36**, **SB 38**, **SB 67**, **SB 95**, **SB 103**, **SB 106**, **SB 107**, **SB 122**, **SB 142**, **SB 143**, **SB 178** approved on April 21, 2021, page 1095

**SB 86** approved on April 22, 2021, page 1095.

**SB 127** approved on April 23, 2021, page 1095.

Executive Order 21-22 submitted April 27, 2021, page 1095.

Submitting for confirmation: Nathan Spriggs, Kansas Human Rights Commission; Mary Berry, State Banking Board, page 1095.

Submitting for confirmation: Alicia Sanchez, Kansas Human Rights Commission, page 1096.

**SB 39, SB 47, SB 60, SB 170** approved on May 17, 2021, page 1402.

**SB 78, SB 238** approved on May 19, 2021, page 1402.

Executive Directives No. 21-533 and No. 21-534, page 1402.

## SENATE AND JOINT RULES

Senate Rules (temporary), **SR 1703**, introduced page 7.

Senate Rules (permanent), **SR 1704**, introduced, page 9.

Senate Rules (permanent), **SR 1705**, introduced, page 70; adopted, page 120.

## VETO MESSAGES

Veto message regarding **SB 50**, concerning taxation, page 1098. Veto overridden, page 1098.

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- SB 112 Providing a sales tax exemption for sales of farm products sold at farmers' markets.
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- SB 132 Amending credits to on court-imposed fines for community service to the statutory minimum wage.
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- SB 39 Changing Kansas department of agriculture division of animal health license, permit and registration renewal deadlines and allowing the animal health commissioner to recover the actual cost of official calfhood vaccination tags.

- SB 40 Updating provisions related to the Kansas department of agriculture division of conservation.
- SB 89 Exempting the transport of agricultural forage commodities from secured load requirements.
- SB 142 Requiring coast guard-approved personal flotation devices as prescribed by the secretary of wildlife, parks and tourism in rules and regulations.
- SB 143 Updating definitions and increasing maximum functional unit license and storage fees relating to grain and public warehouse laws.
- SB 160 Updating the reference to the guidelines of the American fisheries society in the commercialization of wildlife statute.

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- SB 21 Approving election for sales tax authority for Cherokee county.
- SB 22 Providing income tax modifications for global intangible low-taxed income, business interest, capital contributions, FDIC premiums, business meals and payment protection program loans and expenses; expanding the expense deduction availability to income tax taxpayers and calculating the deduction amount; allowing an individual to itemize deductions in Kansas despite not itemizing on their federal return; exempting from income compensation attributable to unemployment insurance ID fraud; and increasing the net operating loss for corporations.
- SB 23 Providing for abatement of property tax for certain buildings or improvements destroyed or substantially destroyed by natural disaster.
- SB 46 Providing a Kansas income tax subtraction modification for certain amounts received under employer-sponsored retirement plans.
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- SB 72 Requiring appraisal courses for county appraisers and members of the state board of tax appeals to be courses approved by the Kansas real estate appraisal board.
- SB 87 Discontinuing apportionment of countywide retailers' sales tax imposed for general purposes between the county and cities located therein.
- SB 98 Placing the burden of proof on the county appraiser in certain valuation and classification appeal hearings before the district court and extending the time a state board of tax appeals member may continue to serve after such member's term expires.
- SB 119 Changing time to request full and complete opinion from the state board tax appeals, requiring the state board of tax appeals to serve orders and notices by

- electronic means if requested by the party, prohibiting valuation increases of certain property in appeals, requiring appraisal directives to require compliance with uniform standards of professional appraisal practice, providing for notice and opportunity to be heard prior to removal from county appraiser eligibility list and providing notification when person no longer holds office of county appraiser.
- SB 147 Providing a sales tax exemption for nonprofit integrated community care organizations.
- SB 148 Exempting grocery stores from sales tax assessments for community improvement districts.
- SB 149 Providing for reimbursement of property taxes from county government for business shutdown or capacity limitation caused by the county.
- SB 216 Extending the eligible time period for rural opportunity zones loan repayment program and income tax credit.
- SB 217 Adding certain counties to the list of eligible rural opportunity zone counties.
- SB 228 Allowing retailer to retain the state rate of sales and compensating use tax from movie ticket sales and concession sales.
- SB 233 Increasing sales tax collection thresholds relating to time frames for filing returns and paying sales tax by certain retailers.
- SB 234 Requiring same appraisal methodology for real and personal property residential mobile homes for property taxation purposes.
- SB 274 Amending the scope of practice, discipline by the board, and license renewal procedures for naturopathic doctors.
- SB 275 Allowing naturopathic doctors to engage in the corporate practice of medicine.
- SB 282 Providing income tax credits for aerospace and aviation program graduates and their employers.
- SB 286 Establishing the COVID-19 governmental use claims fund to provide funds for impacted businesses, providing for income tax credits for impacted businesses, providing for the reimbursement to certain property owners of property taxes resulting from a forced shutdown or capacity limitation and creating a business loan forgiveness program.
- SB 297 Prohibiting cities from collecting solid waste fees against vacant lots or other vacant property and prohibiting cities and counties that establish annual fees from billing these fees on the ad valorem tax statement.
- SB 302 Authorizing counties to impose an earnings tax.
- SB 306 Providing a sales tax exemption for certain purchases by county ambulance service districts.
- SB 311 Providing a sales tax exemption for certain purchases and sales by the Johnson county Christmas bureau association.

### *Commerce*

- SB 65 Decoupling the KIT and KIR workforce training programs from the high performance incentive fund program.
- SB 66 Amending the angel investor tax credit with respect to the definition of qualified securities, tax credit limitations and amounts, investor requirements and extending the date that credits may be allowed.
- SB 90 Amending the Kansas rural housing incentive district act to permit bond funding for vertical residential renovation of older buildings in central business districts.

- SB 91 Providing for the transferability of high performance incentive fund tax credits.
- SB 92 Creating the Kansas equal access act to authorize the use of medical marijuana.
- SB 124 Amending STAR bonds by adding rural redevelopment projects and major business facilities, changing certain project financing, investment and sales provisions, adding a visitor tracking plan requirement and additional feasibility study requirements with oversight by the secretary, requiring approval by the secretary for real estate transfers, requiring district contiguity, making other amendments and extending the sunset date.
- SB 126 Authorizing the sale of alcoholic liquor by class A clubs at special events under the club and drinking establishment act.
- SB 137 Expanding the military spouse and service member's expedited licensure law to all applicants who have established or intend to establish residency in Kansas, providing for licenses in an emergency declared by the legislature, allowing telemedicine by out-of-state healthcare providers and permitting the use of electronic credentials.
- SB 161 Providing for the use of personal package delivery devices on sidewalks and crosswalks, exempting such devices from motor vehicle regulation and limiting additional municipal regulation.
- SB 162 Providing for an emergency expansion of the employment security board of review with a sunset of June 30, 2024.
- SB 163 Amending unemployment insurance disqualification provisions relating to dates disqualification begins, recovery from illness or injury and part-time employment for an educational institution.
- SB 176 Enacting the Kansas home inspectors professional competence and financial responsibility act and providing for registration for home inspectors with oversight by the attorney general.
- SB 177 Changing provisions of the employment security law including creation of the unemployment compensation modernization and improvement council, development of a new unemployment insurance information technology system, provision of tax information to claimants, publication of trust fund data, the maximum benefit period, the charging of employer accounts for benefits paid, employer contribution rate determination and schedules, abolishment of the employment security interest assessment fund, crediting of employer accounts for fraudulent or erroneous payments, transfers from the state general fund to the unemployment insurance trust fund for improper benefit payments, changes to the shared work compensation program and other unemployment trust fund provisions.
- SB 194 Removing an employment security law restriction on leasing of certain employees by client lessees of lessor employing units.
- SB 219 Changing law pertaining to real estate brokers and salespersons including the definition of broker, licensure, actions that require licensing, exemptions, application of licensure provisions to trusts, Kansas real estate commission administrative fines, cease and desist orders and subpoena authority.
- SR 1709 Approving Executive Reorganization Order No. 48, transferring the division of tourism and the office of the director of tourism from the Kansas department of wildlife, parks and tourism to the department of commerce.

*Education*

- SB 31 Excluding U.S.D. No. 207, Fort Leavenworth and virtual school students from the capital improvements state aid determination.
- SB 32 Authorizing school districts to pay the tuition for a student's dual or concurrent enrollment in a postsecondary educational institution and requiring a tuition waiver for foster children who are dually or concurrently enrolled.
- SB 43 Creating the Kansas promise scholarship act to provide postsecondary educational scholarships for certain two-year associate degree programs, career and technical education certificates and other stand alone-programs.
- SB 44 Expanding the low-income family postsecondary savings accounts incentive program to include military servicemembers and veterans and allowing contributions by charitable organizations.
- SB 51 Requiring the state department of education and the department for children and families to publish a Kansas foster care children academic report card.
- SB 55 Clarifying the authority of healing arts school clinics to provide healing arts services.
- SB 61 Amending the tax credit for low income students scholarship program act to expand student eligibility.
- SB 62 Amending the standards for school-administered vision screenings for students and establishing the Kansas children's vision health and school readiness commission.
- SB 63 Expanding the provision of the ACT college entrance exam and workkeys assessments to students enrolled in nonpublic schools.
- SB 64 Amending the private and out-of-state postsecondary educational institution act to clarify the state board of regents' authority and provide additional student protections and institutional accountability.
- SB 93 Requiring the allocation of sufficient school district moneys to improve academic performance of underachieving students.
- SB 144 Making the high-density at-risk student weighting of the Kansas school equity and enhancement act permanent by removing the sunset.
- SB 173 Extending the high-density at-risk student weighting, requiring certain transfers to the at-risk fund of a school district and establishing requirements for school district at-risk fund expenditures and for identification of students eligible to receive at-risk programs and services.
- SB 185 Clarifying the authority of the Kansas commission for the deaf and hard of hearing with regard to registration of interpreters, establishing guidelines for communication access services and authorizing the adoption of rules and regulations.
- SB 215 Transferring the authority for postsecondary driver's education programs and driver training schools from the state board of regents to the department of revenue.
- SB 221 Establishing the follow the student tax credit that would allow an income tax credit for taxpayers with eligible dependent children not enrolled in public school.
- SB 232 Providing for COVID-19 hazard pay for teachers.

*Federal and State Affairs*

- SB 27 Amending the Kansas storage tank act to extend the sunsets of certain funds and to increase certain liability and reimbursement amounts.

- SB 34 Sunsetting administrative rules and regulations five years after adoption unless extended by the legislature.
- SB 35 Removing the option of extension of the time for receipt of advance mail ballots after the third day following an election.
- SB 41 Establishing a \$100 maximum out-of-pocket cost-share per month per covered person for prescription insulin drugs.
- SB 42 Concerning the study and investigation of maternal deaths in the state of Kansas.
- SB 79 Providing the state fire marshal with law enforcement powers and requiring an investigation of deaths resulting from fire.
- SB 80 Requiring changes to electric rates for transmission costs to be approved through an electric utility's general rate case proceedings.
- SB 81 Requiring the state corporation commission to provide the legislature with an annual report of the electric rates of electric public utilities in the region.
- SB 82 Limiting utilization review conducted by health plans under certain circumstances involving the treatment of mental illness or substance abuse disorder.
- SB 84 Authorizing sports wagering under the Kansas expanded lottery act.
- SB 94 Requiring all voting systems for elections to use individual voter-verified paper ballots.
- SB 125 Authorizing mail ballot elections for propositions to amend the constitution of the state of Kansas.
- SB 181 Creating the elevator safety act to require inspections of elevators and licensure for elevator installation and repair.
- SB 182 Requiring electronic filing of campaign reports by candidates for state office unless an exemption is granted for cause.
- SB 183 Requiring equipment and other personal property purchased with campaign funds by a candidate terminating their candidacy be sold or purchased by the candidate for fair market value and the money disposed of in the same manner as residual funds.
- SB 190 Creating the Kansas protection of firearm rights act to restore the right to possess a firearm upon expungement of certain convictions.
- SB 208 Creating the fairness in women's sports act to require that female student athletic teams only include members who are biologically female.
- SB 209 Restrictions on third party solicitations to registered voters to file an application for an advance voting ballot.
- SB 210 Reducing the number of members of the house of representatives to 120.
- SB 218 Providing restrictions, lender reporting and other requirements for alternative small installment loans made under the UCCC.
- SB 235 Enacting the back to school act to require school districts to provide a full-time, in person attendance option for all students beginning on March 26, 2021.
- SB 252 Creating fulfillment house licenses to authorize storage and shipping services provided to winery special order shipping licensees.
- SB 253 Allowing a farm winery licensee to transfer and receive bulk wine and produce fortified wine.
- SB 254 Authorizing certain licensees under the Kansas liquor control act and the club and drinking establishment act to sell and serve cereal malt beverages.

- SB 255 Allowing the director of alcoholic beverage control to suspend or revoke a license under the Kansas liquor control act or the club and drinking establishment act.
- SB 256 Changing the start time for Sunday sales of alcoholic liquor from 12 noon to 10 a.m. and removing restrictions on sales on certain holidays.
- SB 257 Allowing clubs and drinking establishments to sell beer and cereal malt beverage for consumption off the licensed premises.
- SB 258 Clarifying the license terms and electronic submission of tax payments, reports and documentation for holders of a special order shipping license.
- SB 262 Authorizing a vote in Sedgwick county to allow the operation of electronic gaming machines at a racetrack gaming facility and prohibiting betting on greyhound races.
- SB 269 Prohibiting the sale, slaughter and acquisition of live dangerous regulated animals, including nonhuman primates and wolves as dangerous regulated animals and requiring sufficient distance and barriers between dangerous regulated animals and the public.
- SB 270 Prohibiting the hiring of certain law enforcement officers with history of serious misconduct allegations and making certain law enforcement disciplinary records public records.
- SB 271 Extending the time that victims of childhood sexual abuse have to bring a cause of action.
- SB 272 Requiring sexual assault evidence collection procedures to include a urinalysis test to determine the presence of controlled substances that may have been used to commit the alleged sexual assault.
- SB 273 Enacting the governmental response to certain emergencies by amending the Kansas emergency management act, providing procedures for declaration and extension of state of disaster emergencies, limiting powers granted to the governor during a state of disaster emergency, defining public health disasters and establishing special provisions therefor, creating the joint committee on emergency management and prescribing powers, duties and functions of the secretary of health and environment, city and county government and the board of education of each school district to control the spread of disease and establishing judicial review thereof.
- SB 276 Providing considerations in family law, adoption, foster care, guardianship and child in need of care proceedings for a parent or prospective parent who is blind.
- SB 279 Establishing the wind generation permit and property protection act and imposing certain requirements on the siting of wind turbines.
- SB 283 Changing the business liability provision in the COVID-19 response and reopening for business liability protection act to apply to actions accruing on or after March 12, 2020, and prior to termination of the state of disaster emergency related to the COVID-19 public health emergency.
- SB 284 Amending the Kansas emergency management act to authorize a state of disaster emergency to continue for no longer than 21 days unless ratified by concurrent resolution of the legislature and provide for extensions for specified periods not to exceed 30 days each.
- SB 285 Providing for the alpha kappa alpha distinctive license plate.
- SB 287 Enacting the Kansas medical marijuana regulation act and enacting the Kansas innovative solutions for affordable healthcare act to expand medical assistance eligibility.

- SB 292 Limiting who may return an advance voting ballot and the number of such ballots a person may return.
- SB 293 Creating the transparency in revenues underwriting elections act to criminalize the receipt and expenditure of private moneys by election officials.
- SB 294 Creating the Roy'Ale Spencer firearms safety act to require firearms to be safely secured and establishing criminal penalties for violations of the act.
- SB 295 Giving counties the authority to adopt prioritized COVID-19 vaccination plans separate from state guidelines.
- SB 296 Adjusting the rate of sales and compensating use tax on food and food ingredients and implementing additional formulaic adjustments to tax rate.
- SB 298 Updates to the controlled substances act.
- SB 300 Amending the Kansas racketeer influenced and corrupt organization act to add a person who has engaged in identity theft or identity fraud to the definition of "covered person" and add identity theft and identity fraud to the definition of "racketeering activity."
- SB 301 Establishing the office of the child advocate within the office of the attorney general and the joint committee on child welfare system oversight.
- SB 303 Prohibiting boards of county commissioners, boards of trustees or employees from restricting visitors of residents of a county home for the aged or patients in a county hospital and permitting such residents and patients to waive state, city or federal restrictions on right to receive visitors.
- SB 304 Removing the sunset provision in the COVID-19 contact tracing privacy act.
- SB 307 Requiring that advance voting ballots be returned to the county election office by the day of the election.
- SB 308 Providing for the right of individuals to not wear face coverings in places of public accommodation, refuse vaccinations and access off-label medications.
- SB 309 Designating a portion of United States highway 69 as the AMM2c Walter Scott Brown memorial highway.
- SB 310 Establishing the Kansas reapportionment commission to propose reapportionment plans for congressional, senate, representative and board of education districts and imposing requirements for enactment of such plans.
- SB 312 Changing election law regarding bond law elections, eliminating the requirement that county commissioners reside in the county, clarifying mail ballot provisions and repealing obsolete election laws relating to the presidential preference primary and certain elections-related corporate contribution restrictions.
- SB 313 Designating a portion of United States highway 69 as the Senator Tom R Van Sickle memorial highway.
- SCR 1611 Article V Convention to propose amendments to limit federal power.

*Financial Institutions and Insurance*

- SB 178 Providing for trust company charter conversions.
- SB 242 Consolidating certain mortgage lending provisions, removing duplicate provisions from the uniform consumer credit code and incorporating such provisions into the Kansas mortgage business act.
- SB 243 Enacting the peer-to-peer vehicle sharing act to provide insurance, liability, recordkeeping and consumer protection requirements for peer-to-peer vehicle sharing.
- SB 244 Providing for enhanced regulation of pharmacy benefits managers and requiring licensure rather than registration of such entities.

For page numbers, see "Title and History of Bills" in Senate and House Journal Books

- SB 245 Providing for the financing of electrical corporations through the issuance of securitization bonds.

*Financial Institutions*

- SB 15 Enacting the Kansas economic recovery loan deposit program, updating field of membership requirements of credit unions and allowing privilege tax deductions on agricultural real estate loans and single family residence loans.

*Insurance*

- SB 28 Updating the national association of insurance commissioners credit for reinsurance model law, the insurance holding company act and codifying the credit for reinsurance model regulation.
- SB 29 Updating the version of risk-based capital instructions in effect.
- SB 30 Establishing the securities act victim restitution program.
- SB 37 Updating producer licensing statutes pertaining to appointment, examinations, fees, licensing, renewal dates, continuing education, suspension, revocation and denial of licensure and reinstatement.
- SB 60 Defining proximate result for purposes of determining when a crime is committed partly within this state.
- SB 78 Updating certain statutes relating to the regulation of the business of insurance; granting the commissioner of insurance certain investigative powers.
- SB 114 Allowing governmental entities and self-insurers to reject uninsured motorist and personal injury coverage.

*Judiciary*

- SB 14 Extending certain provisions of the governmental response to the COVID-19 pandemic in Kansas and providing certain relief related to health, welfare, property and economic security during this public health emergency.
- SB 56 Requiring posting of a human trafficking awareness notice approved by the attorney general in certain businesses and public places.
- SB 57 Suspending statutory speedy trial rights until May 1, 2024, in all criminal cases filed prior to the effective date of this act and eliminating such rights in any criminal case filed on or after the effective date of this act.
- SB 58 Prohibiting the filing of certain liens or claims against real or personal property and providing for criminal penalties.
- SB 59 Modifying the crimes of selling sexual relations, promoting the sale of sexual relations and buying sexual relations by changing terminology from "sexual relations" to "a sex act."
- SB 102 Requiring earlier notice of anticipated release from custody of a person who may be a sexually violent predator to the attorney general and a multidisciplinary team and specifying where such person will be detained during civil commitment proceedings.
- SB 103 Amending the Kansas power of attorney act regarding the form of a power of attorney and the duties of third parties relying and acting on a power of attorney.
- SB 104 Requiring a court order be issued directing a child to remain in a present or future placement for certain children in need of care.

- SB 105 Prohibiting denial of a petition for expungement due to the petitioner's inability to pay outstanding costs, fees, fines or restitution.
- SB 106 Enacting the revised uniform law on notarial acts and repealing the uniform law on notarial acts.
- SB 107 Enacting the uniform fiduciary income and principal act (UFIPA).
- SB 122 Modifying certain rules of evidence in the code of civil procedure related to authentication of records and documents.
- SB 123 Creating a process to terminate the parental rights of a person whose sexual assault of another has resulted in the conception of a child.
- SB 141 Enacting the Kansas uniform directed trust act.
- SB 150 Defining and prohibiting certain deceptive lawsuit advertising practices and restricting the use or disclosure of protected health information to solicit individuals for legal services.
- SB 151 Enacting limitations on contingency fee agreements in certain civil actions.
- SB 152 Providing for joint liability for costs and sanctions in third-party funded litigation, requiring certain discovery disclosures and requiring payment of certain costs for nonparty subpoenas.
- SB 204 Prohibiting a court from requiring psychiatric or psychological examinations of an alleged victim of any crime.
- SB 205 Enacting the uniform partition of heirs property act to prescribe procedures and requirements for partition of certain real property.
- SB 206 Enacting the fairness in condemnation act to require the condemning authority to provide the property owner notice of a planned condemnation proceeding, an offer for purchase and a court review of compliance with this act.
- SB 220 Increasing the penalty for battery committed against a utility worker.
- SB 229 Providing for payment of interest in civil actions for wrongful conviction and directing the attorney general to seek damages for the state from any person who knowingly contributed to the wrongful conviction and prosecute ouster and criminal proceedings as warranted.
- SB 230 Creating the crime of deprivation of rights under color of law and providing a civil action for victims.
- SB 231 Increasing criminal penalties for hate crimes.
- SB 246 Providing statutory procedures and limitations related to forensic evidence collection and clarifying liability for unlawful conduct under the Kansas tort claims act.
- SB 247 Enacting criminal justice reform measures related to hiring, firearms certification and psychological testing of law enforcement officers
- SCR 1602 Amending the bill of rights of the constitution of the state of Kansas to reserve to the people the right to regulate abortion through their elected state representatives and senators.
- SCR 1604 A constitutional amendment allowing for a voter petition process to call the legislature into special session during a state of disaster emergency.
- SCR 1608 Proposing to amend section 3 of the Kansas bill of rights regarding the right to petition the government for the redress of grievances, including by citizen-initiated grand jury.

#### *Local Government*

- SB 88 Clarifying the vacation or exclusion of territory from city boundaries or release of easements.

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- SB 97 Defining "purposes of sepulture" for purposes of the laws governing cemetery corporations.
- SB 118 Providing for the dissolution of special districts and the assumption of responsibilities by a city or county.
- SB 153 Establishing election procedures for the imposition of term limits on members of the board of county commissioners.
- SCR 1606 A constitutional amendment to grant counties home rule powers.

*Public Health and Welfare*

- SB 77 Enacting the audiology and speech-language pathology interstate compact.
- SB 83 Allowing certain exceptions to the confidentiality of state child death review board documents.
- SB 85 Requiring notification to the governor and the legislature of missing foster care youth.
- SB 120 Establishing the joint committee on child welfare system oversight.
- SB 121 Updating certain provisions of the Kansas dental practice act.
- SB 128 Prohibiting disparate treatment by pharmacy benefits managers of certain pharmacies and pharmaceutical services providers.
- SB 129 Providing for the licensure of dental therapists.
- SB 138 Establishing certification and funding for certified community behavioral health clinics.
- SB 139 Permitting the administration of certain tests, questionnaires, surveys and examinations regarding student beliefs and practices on an opt-out basis and providing conditions therefor.
- SB 174 Updating scope of practice requirements for advanced practice registered nurses without a supervising physician, imposing requirements therefor and updating certain licensure requirements.
- SB 175 Enacting the rural emergency hospital act to provide for the licensure of rural emergency hospitals.
- SB 199 Providing for short-term, limited-duration health plans.
- SB 200 Expanding the pharmacist's scope of practice to include point-of-care testing for and treatment of certain health conditions.
- SB 227 Providing dental benefits for medicaid enrollees and making technical updates to the dental practices act.
- SB 237 Requiring the secretary of health and environment to establish a task force to study and report on uncompensated healthcare.
- SB 238 Reducing certain requirements for licensure by the behavioral sciences regulatory board, requiring board approval to provide clinical social work supervision and expanding out-of-state temporary permits to practice.
- SB 239 Authorizing the secretary for children and families to request a waiver from certain limitations under the food assistance program.
- SB 240 Requiring drug rebate revenues associated with medical assistance enrollees to be deposited into the state general fund and monthly reporting thereof.
- SB 241 Allowing a child placed up for adoption following termination of parental rights to remain eligible for state-provided health insurance.
- SR 1707 Recognizing the need to administer the COVID-19 vaccine.

*Transparency and Ethics*

- SB 191 Providing for the appointment of election commissioners in the four largest counties by the board of county commissioners instead of the secretary of state.

*Transportation*

- SB 18 Permitting United States and NATO country military surplus vehicles to register with the division of vehicles for road use.
- SB 19 Designating a portion of United States highway 77 as the CPL Allen E Oatney and SP4 Gene A Myers memorial highway.
- SB 20 Designating a portion of United States highway 69 as the Senator Dennis Wilson Memorial Highway.
- SB 25 Prohibiting the use of a mobile telephone while operating in school or road construction zone or by individuals less than 18 years of age.
- SB 26 Designating a portion of K-7 as the Senator Bud Burke Memorial Highway.
- SB 33 Providing for display show licenses under the vehicle dealers and manufacturers licensing act.
- SB 36 Permitting employees of salvage vehicle pools to perform vehicle identification number inspections and salvage vehicle pools and dealers to apply for ownership documents for vehicles that are disclaimed by insurance companies.
- SB 67 Expanding the definitions of all-terrain vehicles and recreational off-highway vehicles.
- SB 68 Establishing a fee on firefighter distinctive license plates.
- SB 69 Providing for the love, Chloe foundation distinctive license plate.
- SB 95 Exempting motor vehicle odometer reading recording requirements when such recording requirements are exempted by federal law.
- SB 99 Increasing the bond amount required for a vehicle dealer license.
- SB 100 Excluding the additional 90-day wait period and providing for the elimination and delay of payment for certain fees for restricted driving privileges.
- SB 101 Approving the operation and use of electric-assisted bicycles and regulating the use thereof.
- SB 116 Decreasing the Eisenhower legacy transportation program alternate delivery project threshold, authorizing usage of federal stimulus funds and KDOT bonding authority.
- SB 127 Modifying the eligibility requirements for restricted driving privileges, increasing the age for eligibility to renew drivers' licenses online to 65 and allowing drivers' license renewal notices to be sent electronically.
- SB 146 Providing that the highway patrol will provide the administration and oversight of state certified ignition interlock manufacturers and their service providers.
- SB 158 Prohibiting the towing of vehicles outside the state of Kansas without prior consent, requiring an interstate search of registered owners and lienholders prior to sale of nonrepairable vehicles and vehicles less than 10 years old and requiring publication in the newspaper seven days prior to sale of vehicles and property at auction.

- SB 186 Permitting the secretary of transportation to contract with the Kansas turnpike authority to enforce toll payments and permitting the secretary of transportation to use tolls to support public transit and other improvements on a toll project.

*Utilities*

- SB 24 Prohibiting municipalities from imposing restrictions on customer's use of energy based upon source of energy.
- SB 133 Exempting the retail sale of electricity by public utilities for electric vehicle charging stations from the jurisdiction of the state corporation commission.
- SB 172 Creating the crimes of trespassing on a critical infrastructure facility and criminal damage to a critical infrastructure facility and eliminating the crime of tampering with a pipeline.

*Ways and Means*

- SB 52 Creating the Sedgwick county urban area nuisance abatement act.
- SB 53 Establishing the membership of the Sedgwick county charter commission which, if created, will review and recommend changes regarding the structure of county government.
- SB 54 Authorizing judges to extend protection from abuse orders for more reasons and tolling time when subject of the order is in prison.
- SB 113 Creating the distracted driving violation and prohibiting the use of a wireless telecommunications device while operating a motor vehicle.
- SB 117 Enacting the Kansas electricity bill reduction bonds act and authorizing the state corporation commission to issue securitized ratepayer-backed K-EBRA bonds for electric utility property.
- SB 136 Abolishing the death penalty and creating the crime of aggravated murder.
- SB 145 Authorizing the Kansas department of wildlife, parks and tourism to purchase land in Kingman county.
- SB 154 Increasing reimbursement rates for providers of home and community-based services under the intellectual or developmental disability waiver, making appropriations for such rates and providing for legislative review of the waiting list for such services.
- SB 155 Expanding newborn screening services and increasing transfers from the medical assistance fee fund to the Kansas newborn screening fund.
- SB 168 Updating certain provisions of the prescription monitoring program act relating to program data, storage and access, increasing the membership of the advisory committee and providing for setup and annual maintenance fees for program data integration
- SB 169 Authorizing the legislative coordinating council to prohibit the carrying of concealed handguns in the state capitol.
- SB 170 Making permanent provisions for the advisory committee on trauma and the statewide trauma system regional council to conduct closed meetings and keep privileged records regarding trauma cases.
- SB 171 Providing for adjusted sales tax rates for food and food ingredients.
- SB 222 Excluding hypothetical leased fee when determining fair market value for property taxation purposes.
- SB 223 Allowing the exercise of eminent domain for the purpose of conducting carbon dioxide in pipes.

- SB 224 Establishing maximum length for trains to operate in Kansas and providing for penalties for violations.
- SB 225 Providing affiliation with the Kansas police and firemen's retirement system by the Kansas department of wildlife, parks and tourism for membership of certain law enforcement officers and employees.
- SB 226 Providing a sales tax exemption for area agencies on aging for certain purchases of tangible personal property and services.
- SB 236 Establishing the Kansas commission for the United States semiquincentennial.
- SB 248 Updating certain definitions, referral to specialty services and coordination of care provisions in the Kansas telemedicine act.
- SB 249 Creating additional reporting requirements for all state agencies for certain information technology projects.
- SB 250 Amending the Kansas cybersecurity act to require security training for all state agencies and provide for certain information to be provided to the joint committee on information technology.
- SB 251 Updating statutes relating to the powers, duties and functions of the state board of pharmacy.
- SB 259 Providing that the testimony of an examining healthcare provider may be submitted in evidence by the provider's medical report in workers compensation cases.
- SB 260 Requiring an elected office holder or candidate for office to remove endorsements from social media within 90 days of a written request by an individual or organization.
- SB 261 Establishing the asbestos remediation fund for fees and penalties collected as part of the Kansas asbestos control program.
- SB 263 Eliminating the reduction of child day care services assistance tax credit in subsequent years and limitations on eligible corporations and providing a credit for employer payments to organizations for child day care services access.
- SB 264 Enacting the Kansas fights addiction act to establish a grant program for the purpose of preventing, reducing, treating and mitigating the effects of substance abuse and addiction.
- SB 265 Providing a KPERs death and long-term disability employer contribution moratorium.
- SB 266 Amortizing the state and school KPERs unfunded actuarial liability over a 24-year period and eliminating certain level-dollar employer contribution payments.
- SB 267 Appropriations for FY 2022, FY 2023 and FY 2024 for various state agencies.
- SB 268 Making supplemental appropriations for fiscal years 2021 through 2032 for various state agencies and revising the pooled money investment portfolio repayment schedule.
- SB 277 Authorizing continuation of the 20 mill statewide property tax levy for schools and the exemption of a portion of residential property from such levy.
- SB 278 Requiring recipients of a distinctive license plate fee to file a report detailing money received and expenditures.
- SB 280 Modifying the distribution of the levy on fire insurance business premiums to the state fire marshal fee fund, the emergency medical services operating fund and the fire service training program fund.
- SB 281 Changing unemployment insurance disqualification provisions for fraud, part-time employment for educational institutions and receipt of pensions.

- SB 288 Enacting the technology-enabled trust bank act, providing requirements, fiduciary powers, duties, functions and limitations for trust banks and the administration thereof by the bank commissioner and creating an income and privilege tax credit for certain qualified distributions from trust banks.
- SB 289 Enacting the frontline service pay act to provide additional compensation to Kansas employees at high risk of exposure to COVID-19 and who are engaged in essential work for the state of Kansas.
- SB 290 Increasing healthcare stabilization fund minimum professional liability insurance coverage requirements, changing the membership of the board of governors of such fund and adding options and increasing time for service of process thereon.
- SB 291 Increasing the minimum wage by \$1 per year to \$15 an hour by 2027.
- SB 299 Increasing the compensation of members of the state banking board.
- SB 305 Requiring each law enforcement agency that utilizes automated license plate recognition systems to adopt and maintain a detailed, written policy relating to the use and operation of such systems and prescribing restrictions and requirements relating to the collection, storage and sharing of captured license plate data.
- SB 314 Reconciling conflicting amendments to certain statutes.
- SB 315 Creating the Kansas medical marijuana regulation act to regulate the production, distribution, sale and possession of medical marijuana.
- SCR 1609 Proposing a constitutional amendment that provides for legislative oversight of rules and regulations adopted by executive branch agencies and officials.

### **State Legislature, Joint Committees**

#### *Joint Committee on Corrections and Juvenile Justice Oversight*

- SB 3 Creating a drug abuse treatment program for people on diversion and allowing county and district attorneys to enter into agreements with chief judges and community corrections for supervision.
- SB 4 Modifying the criminal penalties for unlawfully tampering with electronic monitoring equipment.
- SB 5 Aligning the felony loss thresholds for certain property crimes with theft.
- SB 6 Counting any crime with a domestic violence designation as a prior conviction under domestic battery.
- SB 7 Extending terminal medical release to inmates in the custody of the department of corrections with a condition likely to cause death within 120 days.
- SB 8 Increasing good time and program credits for certain offenders.
- HB 2026 Creating a drug abuse treatment program for people on diversion and allowing county and district attorneys to enter into agreements with chief judges and community corrections for supervision.
- HB 2027 Modifying the criminal penalties for unlawfully tampering with electronic monitoring equipment.
- HB 2028 Aligning the felony loss thresholds for certain property crimes with theft.
- HB 2029 Counting any crime with a domestic violence designation as a prior conviction under domestic battery.
- HB 2030 Extending terminal medical release to inmates in the custody of the department of corrections with a condition likely to cause death within 120 days.
- HB 2031 Increasing good time and program credits for certain offenders.

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*Joint Committee on Special Claims Against the State*

- SB 159 Paying certain claims against the state submitted by the joint committee on special claims against the state.

*Legislative Post Audit Committee*

- SB 16 Removing the requirement that certain entities submit certain reports to the division of post audit.
- SB 17 Prohibiting a public agency from charging a fee under the open records act for records requested for an audit by the legislative division of post audit.
- HB 2049 Prohibiting a public agency from charging a fee under the open records act for records requested for an audit by the legislative division of post audit.
- HB 2050 Removing the requirement that certain entities submit certain documents to the division of post audit.

*Joint Committee on Pensions, Investments and Benefits*

- SB 86 Conforming certain KPERS provisions with the federal CARES act.
- HB 2063 Providing certain KP&F tier II spousal and children's benefits for death resulting from a service-connected disability.
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- S 83 State child death review board, Record confidentiality, exceptions

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- H 2163 Census data, reapportionment, 2019 Kansas constitutional amendment conforming provisions
- S 312 Census data, reapportionment, 2019 Kansas constitutional amendment conforming provisions
- HCR 5012 Redistricting commission
- S 310 Redistricting commission

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- H 2136 Automobile club services act
- S 78** Automobile club services act
- H 2300 Death penalty
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- SCR 1611 Applying to congress, Convention of the states, calling of, Election integrity
- SCR 1614 Calling for, National federalism task force
- SCR 1712 Commemorating, Marietta Billinger, 100th birthday
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- SCR 1719 Congratulating and commending, Baldwin City high school girls wrestling team
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- SCR 1607 Constitutional amendments, Education, Schools and school districts, closure of
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SCR 1615 Constitutional amendments, Legislature, Vote requirements to pass bills or concurrent resolutions

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SCR 1718 Designating, Joey Weber day, April 7, 2021

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SCR 1715 Legislature, Senate, Seat assignments, 2021 session

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SCR 1721 Recognizing, 529 education savings plans

SCR 1720 Recognizing, Child abuse prevention month

SCR 1711 Recognizing, Delta Sigma Theta sorority, inc.

SCR 1708 Recognizing, National wear red day

SCR 1707 Recognizing, Need to administer COVID-19 vaccine to law-abiding Kansans

HR 6014 Strengthening, Kansas and Taiwan sister-state relations

HR 6017 Supporting, Amtrak heartland flyer extension

HCR 5017 Supporting, COVID-19 vaccine bill of rights

HR 6010 Supporting, Future vertical lift program

SCR 1713 Supporting, Future vertical lift program

HCR 5013 Urging, Constitutional amendment to prohibit expansion of the supreme court

HCR 5008 Urging, Extension of daylight saving time

HR 6008 Urging, Medal of honor recipient funeral

HCR 5015 Urging, Rejection of the for the people act of 2021

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H 2111 Kansas police and firemen's retirement system (KP&F), Affiliation, Corrections, department of

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H 2063 Kansas police and firemen's retirement system (KP&F), Benefits, Death benefits, Service-connected disability, resulting from

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H 2243 Kansas police and firemen's retirement system (KP&F), Deferred retirement option program (DROP), DROP period, extension of

H 2243 Kansas public employees retirement system (KPERs), Actuarial experience study, frequency of

H 2289 Kansas public employees retirement system (KPERs), Benefits, Annual retiree dividend payment

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H 2044 Kansas public employees retirement system (KPERs), Contributions, Employee contributions, increase of, School employees

S 159 Kansas public employees retirement system (KPERs), Contributions, Employer contributions for FY 2022 and FY 2023

H 2399 Kansas public employees retirement system (KPERs), Contributions, Level-dollar payments, elimination of

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H 2404 Kansas public employees retirement system (KPERs), Death and long-term disability benefits, Employer contributions, moratorium on

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H 2243 Kansas public employees retirement system (KPERs), IRS compliance requirements, CARES act, conformity

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H 2399 Kansas public employees retirement system (KPERs), Participating employers, State and school, Unfunded actuarial liability, amortization of

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**H 2247** Memorial highways, designation of, CPL Allen E Oatney and SP4 Gene A Myers memorial highway  
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- H 2296 Secretary of transportation, Toll projects, Kansas turnpike authority, contracts with  
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- S 56 Attorney General, Human trafficking, notice of  
 H 2400 Board of healing arts, Massage therapy  
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- S 31 Capital improvements, State aid, Exclusions, Fort Leavenworth school district
- S 31 Capital improvements, State aid, Exclusions, Virtual school students
- SCR 1607 Constitutional amendment, Schools and school districts, closure of
- H 2039 Curriculum, American civics
- H 2039 Curriculum, Personal financial literacy
- H 2301 Curriculum, Personal financial literacy
- S 40 Disaster emergencies, COVID-19
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- S 273 Disaster emergencies, Public health
- H 2134** Finance, ACT and workkeys assessments
- S 63 Finance, ACT and workkeys assessments
- H 2134** Finance, At-risk education fund, expenditures from
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- H 2240 Finance, Capital improvements, State aid exclusions, Fort Leavenworth school district
- S 31 Finance, Capital improvements, State aid exclusions, Fort Leavenworth school district
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- H 2119 Finance, State foundation aid, Student empowerment act adjustments
- H 2104** Finance, Statewide levy, continuation of
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- H 2119 Finance, Student empowerment
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- H 2144 Finance, Weightings, High-density at-risk
- H 2351 High school on-the-job training programs, Liability
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- H 2134** Kansas challenge to secondary students act, Dual and concurrent enrollment, costs of
- H 2182 Kansas challenge to secondary students act, Dual and concurrent enrollment, costs of
- S 32 Kansas challenge to secondary students act, Dual and concurrent enrollment, costs of
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- H 2134** Nonpublic schools, Reports, Students in foster care
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- H 2134** State board of education, School term waivers
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- H 2411 Teachers, Professional negotiations
- H 2154 Transportation, School buses, Stop signal arm cameras

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- H 2011 Election crimes, Prosecutorial authority
- S 106 Notaries public, Revised uniform law on notarial acts
- H 2079 Powers and duties, Address confidentiality program, transfer of duties
- H 2080 Powers and duties, Address confidentiality program, transfer of duties
- H 2297 Powers and duties, Publications
- H 2391 Reports and filings, Business entity information, Business information
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- H 2391 Reports and filings, UCC filings, Social security numbers
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- H 2447 Securities act fee fund, Transfer to state general fund
- H 2135 Securities violations, Securities act victim restitution program
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- H 2060 Daylight saving time, Permanent standard time
- S 179 Days of commemoration, Susan B. Anthony day
- H 2006 Holidays, Indigenous peoples day

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- H 2401 Competitive bids, Department of corrections, Public-private partnerships
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- S 1 Capital improvements fund, use of
- S 1 State fair board, Capital improvements fund, use of
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- S 240 State moneys, Medicaid drug rebate revenues

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- H 2214 Conveyance of, Department of corrections land in Mitchell county
- H 2408 Conveyance of, State historical society land in Doniphan county, Iowa Tribe of Kansas and Nebraska
- S 159 Docking state office building, renovation of
- S 159 Health and environment laboratory, construction of
- H 2284 State parks, Campsites and cabins, Senior citizen discount

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- H 2282 Kansas agricultural loan guarantee program
- H 2069 Kansas economic recovery loan deposit program
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- S 86 Kansas economic recovery loan deposit program
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- H 2268 Kansas rural home loan guarantee act
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- H 2119 Savings accounts, Education savings accounts, Student empowerment act
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- S 258 Alcoholic beverages, Wine, Gallonage tax, submission of
- H 2104 Appraisals, Appraisal course requirements
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- H 2430 Excise tax, Cannabis cultivation
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- H 2421 Income tax, Corporations, Global intangible low-taxed income (GILTI)
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- H 2106 Income tax, Corporations, Return filing dates
- S 47** Income tax, Corporations, Return filing dates
- H 2328 Income tax, Credits, Aerospace and aviation students and employers
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- H 2045 Income tax, Credits, Disability accessibility, cost of expenditures
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- S 66** Income tax, Credits, Disability accessibility, cost of expenditures
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- H 2303 Income tax, Credits, Food purchases, Amount of credit
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- S 49 Income tax, Credits, Single city port authority
- H 2315 Income tax, Credits, Technical colleges, contributions to
- H 2074** Income tax, Credits, Technology-enabled fiduciary financial institutions, Qualified charitable distributions
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- H 2106 Income tax, Deductions, Compensation attributed to identity fraud
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- S 47** Income tax, Deductions, Compensation attributed to identity fraud
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- H 2106 Income tax, Forms and instructions, Return filing dates
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