STATE OF KANSAS

2022 SESSION LAWS OF KANSAS VOL. 3

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PASSED DURING THE 2022 REGULAR SESSION OF THE LEGISLATURE OF THE STATE OF KANSAS

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AUTHENTICATION

STATE OF KANSAS
OFFICE OF SECRETARY OF STATE

I, Scott Schwab, Secretary of State of the state of Kansas, do hereby certify that the printed acts contained in this volume are true and correct copies of enrolled laws or resolutions which were passed during the 2022 regular session of the Legislature of the State of Kansas, begun on the 10th day of January, AD 2022, and concluded on the 23rd day of May, AD 2022; and I further certify that all laws contained in this volume which took effect and went into force on and after publication in the *Kansas Register* were so published (on the date thereto annexed) as provided by law; and I further certify that all laws contained in this volume will take effect and be in force on and after the 1st day of July, AD 2022, except when otherwise provided.

Given under my hand and seal this 1st day of July, AD 2022.

SCOTT SCHWAB
Secretary of State

(SEAL)

EXPLANATORY NOTES

Material added to an existing section of the statute is printed in italic type. Material deleted from an existing section of the statute is printed in canceled type.

In bills which contain entirely new sections together with amendments to existing sections, the new sections are noted with the word ''new'' at the beginning of such sections.

An enrolled bill which is new in its entirety is noted with an asterisk (*) by the bill number and is printed in its original form.

Approval and publication dates are included.

Chapter numbers are assigned chronologically, based on the date the bill is signed by the governor. The bill index, subject index, and list of statutes repealed or amended will assist you in locating bills of interest.

NOTICE

The price for the Session Laws is set by the Secretary of State in accordance with state law. Additional copies of this publication may be obtained from:

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CHAPTER 82

Senate Substitute for HOUSE BILL No. 2448

AN ACT concerning public assistance; requiring able-bodied adults without dependents to complete an employment and training program in order to receive food assistance; amending K.S.A. 39-709 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 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~~.~~*; or*

(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 gen-

eral 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~~ *that* 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 24th 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 *that the applicant*:

(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 *Kansas* 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) *(A)* 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.

(B) In order to meet federal work participation requirements, households ~~need to~~ *shall* meet at least 30 hours of participation per week, at least 20 hours of which ~~need to~~ *shall* 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~~ *shall* participate in a combined total of 55 hours per week, 50 hours of which ~~must~~ *shall* 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 *the Kansas* 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.

(C) 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~~ *shall be* exempt from work participation activities until the month the child ~~turns~~

attains 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 *by*:

(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~~ *attains* 20 *years of age*; 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. *A* TANF ~~participants~~ *participant* shall provide current documentation by a qualified medical practitioner that details the ~~abilities~~ *ability* to engage in employment and any ~~limitations~~ *limitation* 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*, as defined in K.S.A. 39-702, and amendments thereto,* with work programs shall be as follows*, for a*:

(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~~ *who* 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*, as defined in K.S.A. 39-702, and amendments thereto,* with child support services shall be as follows*, for a*:

(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~~ *who* 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. 2021 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~~ *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. 2021 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. 2021 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~~ *who* has failed to cooperate with a fraud investigation shall be ineligible to participate in the TANF cash assis-

tance program and the child care subsidy program until the *Kansas* department for children and families determines that such individual is cooperating with the fraud investigation. The *Kansas* 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~~ *that* 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~~ *such individual has* 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) *(i)* 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.

(ii) 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~~ *that* 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 *for*:

(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;

(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 *Kansas* 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.~~ *United States* 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.~~ *United States* 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 *for a*:

(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.

(D) The Kansas department for children and families shall assign all individuals subject to the requirements established under 7 U.S.C. §

2015(d)(1) to an employment and training program as defined in 7 U.S.C. § 2015(d)(4). The provisions of this subparagraph shall only apply to:

(i) Able-bodied adults aged 18 through 49 without dependents; and

(ii) individuals who are not employed at least 30 hours per week.

(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.~~ *United States* department of agriculture. Non-citizen individuals who are unable or unwilling to provide qualifying immigrant documentation, as defined by the ~~U.S.~~ *United States* 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.~~ *United States* 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 *Kansas* 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 *is funded*:

(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~~ *shall* 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 re-

sides 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. 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.

(l) (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~~ *that* 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~~ *that* 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~~ *provisions*.

(B) "Controlled substance" means the same as in K.S.A. 2021 Supp. 21-5701, and amendments thereto, and 21 U.S.C. § 802.

(C) "Controlled substance analog" means the same as in K.S.A. 2021 Supp. 21-5701, and amendments thereto.

Sec. 2. K.S.A. 39-709 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

CERTIFICATE

In accordance with K.S.A. 45-304, it is certified that **Senate Substitute for House Bill 2448**, was not approved by the Governor on April 15, 2022; was returned by her with her objections and approved on April 28, 2022 by two-thirds of the members elected to the House of Representatives notwithstanding the objections of the Governor; was reconsidered by the Senate and was approved on April 28, 2022, by two-thirds of the

members elected to the Senate, notwithstanding the objections, the bill did pass and shall become law.

This certificate is made this 29th day of April, 2022 by the President of the Senate and Secretary of the Senate and the Speaker of the House and Chief Clerk House.

TY MASTERSON
President of the Senate

COREY CARNAHAN
Secretary of the Senate

RON RYCKMAN
Speaker of the House of Representatives

SUSAN W. KANNARR
Chief Clerk of the House of Representatives

Governor's veto overridden (See Messages from the Governor)

CHAPTER 83

SENATE BILL No. 366

AN ACT concerning offender registration; relating to the Kansas offender registration act; providing a mechanism to seek relief from registration requirements for drug offenders; expungement for such offenses; requiring registration for certain violations of breach of privacy, internet trading in child pornography and aggravated internet trading in child pornography; amending K.S.A. 2021 Supp. 21-6614, 22-4902, 22-4906 and 22-4908 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2021 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. 2021 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. 2021 Supp. 21-5406, and amendments thereto, or as prohibited by any law of another state 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 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 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 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 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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~~ *Except as provided in K.S.A. 22-4908, and amendments thereto*, 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;

(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 that shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency 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 act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-7e09, and amendments thereto, and K.S.A. 2021 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 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) 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 act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-7e09, and amendments thereto, and K.S.A. 2021 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 purpose of 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.

(m) (1) The provisions of subsection (l)(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.

Sec. 2. K.S.A. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 Supp. 21-5505(a), and amendments thereto;

(6) is convicted of sexual extortion, as defined in K.S.A. 2021 Supp. 21-5515, and amendments thereto;

(7) *is convicted of breach of privacy, as defined in K.S.A. 2021 Supp. 21-6101(a)(6), (a)(7) or (a)(8), and amendments thereto;*

(8) 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. 2021 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of an offense defined in this subsection; or

~~(8)~~*(9)* 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 Supp. 21-6422, and amendments thereto;

(15) promoting the sale of sexual relations, as defined in K.S.A. 2021 Supp. 21-6420, and amendments thereto;

(16) *internet trading in child pornography or aggravated internet trading in child pornography, as defined in K.S.A. 2021 Supp. 21-5514, and amendments thereto;*

(17) 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)~~*(18)* 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. 2021 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually violent crime, as defined in this subsection; or

~~(18)~~*(19)* any act ~~which~~ *that* 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 Supp. 21-5405(a)(3), and amendments thereto, ~~which~~ *that* 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 Supp. 21-5703, and amendments thereto;

(B) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized am-

monia 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. 2021 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. 2021 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~~ *that* 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. 2021 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(g) Convictions or adjudications ~~which~~ *that* 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~~ *includes*, but *is* 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. 2021 Supp. 21-5611(a), and amendments thereto, aggravated unlawful transmission of a visual depiction of a child, as defined in K.S.A. 2021 Supp. 21-5611(b), and amendments thereto, or unlawful possession of a visual depiction of a child, as defined in K.S.A. 2021 Supp. 21-5610, and amendments thereto;

(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 K.S.A. 2021 Supp. 21-5515, and amendments thereto*; or*

(D) adjudicated as a juvenile offender for an act which, if committed by an adult, would constitute a violation of K.S.A. 2021 Supp. 21-6101(a)(6), (a)(7) or (a)(8), 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. 3. K.S.A. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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 K.S.A. 2021 Supp. 21-5515, and amendments thereto, when one of the parties involved is less than 18 years of age;

(M) *breach of privacy, as defined in K.S.A. 2021 Supp. 21-6101(a)(6), (a)(7) or (a)(8), and amendments thereto;*

(N) any act ~~which~~ *that* 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;

~~(N)~~*(O)* 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)~~*(P)* 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)~~*(Q)* 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. 2021 Supp. 21-5703, and amendments thereto;

~~(Q)~~*(R)* 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. 2021 Supp. 21-5709(a), and amendments thereto;

~~(R)~~*(S)* 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. 2021 Supp. 21-5705(a)(1), and amendments thereto; or

~~(S)~~*(T)* 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 Supp. 21-5505(b), and amendments thereto;

(I) *internet trading in child pornography, as defined in K.S.A. 2021 Supp. 21-5514, and amendments thereto;*

(J) aggravated internet trading in child pornography, as defined in K.S.A. 2021 Supp. 21-5514, and amendments thereto, if the victim is 14 or more years of age but less than 18 years of age;

(K) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2021 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)~~*(L)* 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 Supp. 21-5408(b), and amendments thereto;

(11) *aggravated internet trading in child pornography, as defined in K.S.A. 2021 Supp. 21-5514, and amendments thereto, if the victim is less than 14 years of age;*

(12) commercial sexual exploitation of a child, as defined in K.S.A. 2021 Supp. 21-6422, and amendments thereto; or

~~(12)~~*(13)* 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. 2021 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. 2021 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 en-

forcement 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. 2021 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 l, 2006, and to convictions or adjudications on or after June 1, 2006, and to persons who moved to Kansas on or after June l, 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.

Sec. 4. K.S.A. 2021 Supp. 22-4908 is hereby amended to read as follows: 22-4908. ~~No person required to register as an offender pursuant to the Kansas offender registration act shall be granted an order relieving~~

~~the offender of further registration under this act. This section shall include any person with any out-of-state conviction or adjudication for an offense that would require registration under the laws of this state~~ *(a) Except as provided in subsection (b), a drug offender who is required to register under the Kansas offender registration act may file a verified petition for relief from registration requirements if the offender has registered for a period of at least five years after the date of parole, discharge or release, whichever date is most recent, or, if not confined, five years from the date of conviction or adjudication.*

(b) An offender who is required to register pursuant to K.S.A. 22-4906(k), and amendments thereto, because of an out-of-state conviction or adjudication may not petition for relief from registration requirements in this state if the offender would be required to register under the law of the state or jurisdiction where the conviction or adjudication occurred. If the offender would no longer be required to register under the law of the state or jurisdiction where the conviction or adjudication occurred, the offender may file a verified petition pursuant to subsection (a).

(c) Any period of time during which an offender is incarcerated in any jail or correctional facility or during which the offender does not substantially comply with the requirements of the Kansas offender registration act shall not count toward the duration of registration required in subsection (a).

(d) (1) A verified petition for relief from registration requirements shall be filed in the district court in the county where the offender was convicted or adjudicated of the offense requiring registration. If the offender was not convicted or adjudicated in this state of the offense requiring registration, such petition shall be filed in the district court of any county where the offender is currently required to register. The docket fee shall be as provided in K.S.A. 60-2001, and amendments thereto.

(2) The petition shall include:

(A) The offender's full name;

(B) the offender's full name at the time of conviction or adjudication for the offense or offenses requiring registration, if different than the offender's current name;

(C) the offender's sex, race and date of birth;

(D) the offense or offenses requiring registration;

(E) the date of conviction or adjudication for the offense or offenses requiring registration;

(F) the court in which the offender was convicted or adjudicated of the offense or offenses requiring registration;

(G) whether the offender has been arrested, convicted, adjudicated or entered into a diversion agreement for any crime during the period the offender is required to register; and

(H) the names of all treatment providers and agencies that have treated the offender for mental health, substance abuse and offense-related behavior since the date of the offense or offenses requiring registration.

(3) The judicial council shall develop a petition form for use under this section.

(4) When a petition is filed, the court shall set a date for a hearing on such petition and cause notice of the hearing to be given to the county or district attorney in the county where the petition is filed. Any person who may have relevant information about the offender may testify at the hearing.

(5) The county or district attorney shall notify any victim of the offense requiring registration who is alive and whose address is known or, if the victim is deceased, the victim's family if the family's address is known. The victim or victim's family shall not be compelled to testify or provide any discovery to the offender.

(6) The county or district attorney shall have access to all applicable records, including records that are otherwise confidential or privileged.

(e) (1) The court may require a drug offender who is petitioning for relief under this section to undergo a risk assessment.

(2) Any risk assessment ordered under this subsection shall be performed by a professional agreed upon by the parties or a professional approved by the court. Such risk assessment shall be performed at the offender's expense.

(f) The court shall order relief from registration requirements if the offender shows by clear and convincing evidence that:

(1) The offender has not been convicted or adjudicated of a felony, other than a felony violation or aggravated felony violation of K.S.A. 22-4903, and amendments thereto, within the five years immediately preceding the filing of the petition, and no proceedings involving any such felony are presently pending or being instituted against the offender;

(2) the offender's circumstances, behavior and treatment history demonstrate that the offender is sufficiently rehabilitated to warrant relief; and

(3) registration of the offender is no longer necessary to promote public safety.

(g) If the court denies an offender's petition for relief, the offender shall not file another petition for relief until three years have elapsed, unless a shorter time period is ordered by the court.

(h) If the court grants relief from registration requirements, the court shall order that the offender be removed from the offender registry and that the offender is no longer required to comply with registration requirements. Within 14 days of any order, the court shall notify the Kansas bureau of investigation and any local law enforcement agency that

registers the offender that the offender has been granted relief from registration requirements. The Kansas bureau of investigation shall remove such offender from any internet website maintained pursuant to K.S.A. 22-4909, and amendments thereto.

(i) An offender may combine a petition for relief under this section with a petition for expungement under K.S.A. 2021 Supp. 21-6614, and amendments thereto, if the offense requiring registration is otherwise eligible for expungement.

Sec. 5. K.S.A. 2021 Supp. 21-6614, 22-4902, 22-4906 and 22-4908 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 5, 2022.

Published in the *Kansas Register* May 12, 2022.

CHAPTER 84

House Substitute for SENATE BILL No. 261

AN ACT concerning agriculture; relating to the labeling of certain foods; prohibiting the use of identifiable meat terms on labels of meat analogs without use of proper qualifying language; amending K.S.A. 65-656 and 65-665 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 65-656 is hereby amended to read as follows: 65-656. For the purpose of this act:

(a) "Secretary" means the secretary of agriculture or the secretary's authorized representatives.

(b) "Person" means an individual, partnership, governmental entity, corporation, or association of persons.

(c) "Food" means: (1) Articles used for food or drink for humans or other animals; (2) chewing gum; and (3) articles used for components of any such article.

(d) "Drug" means: (1) Articles recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; (2) articles intended for use in diagnosis, cure, mitigation, treatment or prevention of disease in humans or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of humans or other animals; and (4) articles intended for use as a component of any article specified in paragraph (1), (2)~~,~~ or (3); but does not include devices or their components, parts or accessories. The term "drug" ~~shall~~ *does* not include amygdalin (laetrile).

(e) "Device," except as used in ~~subsection (j) of~~ K.S.A. 65-657*(j)*, ~~subsection (f) of K.S.A.~~ 65-665*(f)*, ~~subsections (c) and (o) of K.S.A.~~ 65-669~~,~~*(c) and (o)* and ~~subsection (c) of K.S.A.~~ 65-671*(c)*, and amendments thereto, means instruments, apparatus and contrivances, including their components, parts and accessories, intended for use in the diagnosis, cure, mitigation, treatment~~,~~ or prevention of disease in humans or other animals or to affect the structure or any function of the body of humans or other animals.

(f) "Cosmetic" means: (1) Articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleaning, beautifying, promoting attractiveness or altering appearance; and (2) articles intended for use as a component of any such articles, except that such term ~~shall~~ *does* not include soap.

(g) "Official compendium" means the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, official national formulary or any supplement to any of them.

(h) "Label" means a display of written, printed or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this act that any word, statement, or other information appearing on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any ~~there be~~, of the retail package of such article, or is easily legible through the outside container or wrapper.

(i) "Immediate container" does not include package liners.

(j) "Labeling" means all labels and other written, printed or graphic matter upon an article or any of its containers or wrappers or accompanying such article.

(k) "Advertisement" means all representations disseminated in any manner or by any means other than by labeling, for the purpose of inducing, or ~~which~~ *that* are likely to induce, directly or indirectly, the purchase of food, drugs, devices or cosmetics.

(l) "New drug" means: (1) Any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended~~,~~ or suggested in the labeling thereof; or (2) any drug the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but ~~which~~ *that* has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions. The term "new drug" ~~shall~~ *does* not include amygdalin (laetrile).

(m) "Contaminated with filth" applies to any food, drug, device or cosmetic not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

(n) "Pesticide chemical" means any substance ~~which~~ *that*, alone, in chemical combination, or in formulation with one or more other substances is a "pesticide" within the meaning of the agricultural chemicals act, K.S.A. 2-2202, and amendments thereto, and ~~which~~ *that* is used in the production, storage or transportation of raw agricultural commodities.

(o) "Raw agricultural commodity" means any food in its raw or natural state, including all fruits that are washed, colored~~,~~ or otherwise treated in their unpeeled natural form prior to marketing.

(p) "Food additive" means any substance, the intended use of which results or may be reasonably expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food, including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting~~,~~ or holding food~~; and including~~. *"Food additive" includes* any source of

radiation intended for any such use, if such substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures, or, in the case of a substance used in a food prior to January 1, 1958, through either scientific procedures or experience based on common use in food, to be safe under the conditions of its intended use. "Food additive" does not include: (1) A pesticide chemical in or on a raw agricultural commodity; (2) a pesticide chemical to the extent that it is intended for use or is used in the production, storage~~,~~ or transportation of any raw agricultural commodity; (3) a color additive; or (4) any substance used in accordance with a sanction or approval granted prior to the enactment of the food additive amendment of 1958, pursuant to the federal act.

(q) (1) "Color additive" means a material ~~which~~ *that*: (A) Is a dye, pigment~~,~~ or other substance made by a process of synthesis or similar artifice, or extracted, isolated~~,~~ or otherwise derived, with or without intermediate or final change of identity from a vegetable, animal, mineral~~,~~ or other source; or (B) when added or applied to a food, drug or cosmetic, or to the human body or any part thereof, is capable, alone or through reaction with another substance, of imparting color thereto; except that such term does not include any material which has been or hereafter is exempted under the federal act.

(2) The term "color" includes black, white and intermediate grays.

(3) Nothing in this subsection shall be construed to apply to any pesticide chemical, soil or plant nutrient, or other agricultural chemical solely because of its effect in aiding, retarding or otherwise affecting, directly or indirectly, the growth or other natural physiological process of produce of the soil and thereby affecting its color, whether before or after harvest.

(r) "Imitation" means, *except for imitation food as provided in K.S.A. 65-665, and amendments thereto,* any article made in the semblance of another, consisting of similar or dissimilar ingredients and being capable of being substituted for the imitated article without the knowledge of the consumer.

(s) "Federal act" means the federal food, drug and cosmetic act, ~~title~~ 21 U.S.C. § 301 et seq.~~; 52 Stat. 1040 et seq~~.

(t) "Department" means the Kansas department of agriculture.

(u) "Distribution" means the provision of food, drug, cosmetic or device to another person and includes selling, offering for sale, giving, supplying, transporting, applying and dispensing.

(v) "Food establishment" means any place in which food is prepared, served or offered for sale or service on the premises or elsewhere. "Food establishment" does not include roadside markets that offer only whole fresh fruits, nuts and vegetables for sale. "Food establishment" includes, but is not limited to:

(1) Eating or drinking establishments, fixed or mobile restaurants, coffee shops, cafeterias, short-order cafes, luncheonettes, tea rooms, grills, sandwich shops, soda fountains, taverns, private clubs, roadside stands, industrial-feeding establishments, catering kitchens, commissaries and any other private, public or nonprofit organizations routinely serving food; and

(2) grocery stores, convenience stores, bakeries and locations where food is provided for the public with or without charge.

(w) "Food processing plant" means a commercial operation that processes or stores food for human consumption and provides food for distribution to other business entities at other locations, including other food processing plants and food establishments. "Food processing plant" does not include any operation or individual beekeeper that produces and distributes honey to other business entities if the producer does not process the honey beyond extraction from the comb.

(x) "Food vending machine" means any self-service device~~, which~~ *that*, upon payment, dispenses unit servings of food, either in bulk or in packages. Such device shall not necessitate replenishing between each vending operation. "Food vending machine" does not include any vending machine dispensing only canned or bottled soft drinks or prepackaged food that does not require temperature control for safety.

(y) "Food vending machine company" means any person in the business of operating and servicing food vending machines.

(z) "Location" means a physical address, or absent an address, the geographical area within 300 feet of a food establishment or food processing plant. In the case of a mobile food establishment housed in a trailer, such trailer shall be considered a food establishment with its own location. In the case of a mobile food establishment that is not housed in a trailer, the equipment used for storage, preparation or offering of food shall be considered a food establishment with its own location.

(aa) "Municipality" means any city or county of this state.

(bb) "Processing" means the handling of a food, drug, cosmetic or device, including the production, manufacturing, packaging, packing and labeling of such item.

(cc) "Sample" means a small quantity of food and does not include a meal or entree.

(dd) "Storage" means holding for distribution or processing.

(ee) "Meat analog" means any food that approximates the aesthetic qualities, primarily texture, flavor and appearance, or the chemical characteristics of any specific type of meat, meat food product, poultry product or poultry food product, but does not contain any meat, meat food product, poultry product or poultry food product.

(ff) "Identifiable meat term" includes, but is not limited to, terms such as meat, beef, pork, poultry, chicken, turkey, lamb, goat, jerky, steak,

hamburger, burger, ribs, roast, bacon, bratwurst, hot dog, ham, sausage, tenderloin, wings, breast and other terms for food that contain any meat, meat food product, poultry product or poultry food product.

(gg) "Meat" means the same as provided in 9 C.F.R. § 301.2, as in effect on January 1, 2022.

(hh) "Meat food product" means the same as provided in 9 C.F.R. § 301.2, as in effect on January 1, 2022.

(ii) "Poultry product" means the same as provided in 9 C.F.R. § 381.1, as in effect on January 1, 2022.

(jj) "Poultry food product" means the same as provided in 9 C.F.R. § 381.1, as in effect on January 1, 2022.

Sec. 2. K.S.A. 65-665 is hereby amended to read as follows: 65-665. A food shall be deemed to be misbranded:

(a) If its labeling is false or misleading in any particular.

(b) If it is offered for sale under the name of another food.

(c) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word~~,~~ "imitation~~,~~" and, immediately thereafter, the name of the food imitated. *For the purposes of this section, "imitation" means the same as provided in 21 C.F.R. § 101.3(e), as in effect on January 1, 2022. In such definition, references to section 403(c) of the federal food, drug, and cosmetic act mean this subsection (c), and references to the commissioner mean the Kansas secretary of agriculture.*

(d) If its container is so made, formed~~,~~ or filled as to be misleading.

(e) If in package form, unless it bears a label containing: (1) The name and place of business of the manufacturer, packer~~,~~ or distributor; *and* (2) an accurate statement of the quantity of the contents in terms of weight, measure~~,~~ or numerical count. Reasonable variations shall be permitted, and exemptions as to small packages shall be established, by rules and regulations prescribed by the secretary of agriculture.

(f) If any word, statement~~,~~ or other information required by or under authority of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness~~(~~*,* as compared with other words, statements, designs~~,~~ or devices, in the labeling~~)~~*,* and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by K.S.A. 65-663~~, as amended~~ *and amendments thereto*, unless*:* (1) It conforms to such definition and standard~~,~~*;* and (2) its label bears the name of the food specified in the definition and standard, and insofar as may be required by such regulations, the common names of optional ingredients ~~(~~*,* other than spices, flavoring~~,~~ and coloring~~)~~*,* present in such food.

(h) If it purports to be or is represented as*:* (1) A food for which a standard of quality has been prescribed by regulations as provided in K.S.A. 65-663, ~~as amended~~ *and amendments thereto*, and its quality falls below such standard unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard; or (2) a food for which a standard or standards of fill of container has been prescribed by regulations as provided by K.S.A. 65-663, ~~as amended~~ *and amendments thereto*, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify a statement that it falls below such standard.

(i) If it is not subject to the provisions of ~~paragraph~~ *subsection* (g) ~~of this section~~, unless it bears labeling clearly giving*:* (1) The common or usual name of the food, if any ~~there be,~~*;* and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient~~;~~, except that spices, flavorings~~,~~ and colorings, other than those sold as such, may be designated as spices, flavorings~~,~~ and colorings, without naming each. Except that to the extent that compliance with the requirements of ~~clause~~ *paragraph* (2) ~~of this paragraph~~ is impractical or results in deception or unfair competition, exemptions shall be established by rules and regulations promulgated by the secretary.

(j) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral~~,~~ and other dietary properties as the secretary determines to be, and by regulations prescribes, as necessary, in order to fully inform purchasers as to its value for such uses.

(k) If it bears or contains any artificial flavoring, artificial coloring~~,~~ or chemical preservatives, unless it bears labeling stating that fact. Except that to the extent that compliance with the requirements of this ~~paragraph~~ *subsection* is impracticable, exemptions shall be established by rules and regulations promulgated by the secretary.

(l) If it is a product intended as an ingredient of another food and when used according to the directions of the purveyor will result in the final food product being adulterated or misbranded.

(m) If it is a meat analog and: (1) Its labeling utilizes an identifiable meat term; and (2) the labeling does not have a disclaimer in a prominent and conspicuous font size, in close proximity to the identifiable meat term, stating one of the following: (A) "This product does not contain meat"; (B) "meatless"; (C) "meat-free"; (D) "vegan"; (E) "veggie"; (F) "vegetarian"; (G) "vegetable"; (H) "plant-based"; or (I) a disclaimer equivalent to (A) through (H), as determined by the secretary through rules and regulations. The provisions of this subsection shall not apply to a menu or menu board or to food that can be defined as "imitation" under subsection (c) and complies with the provisions of such subsection.

If any provision of this section is held to be invalid or unconstitutional, it shall be conclusively presumed that the legislature would have enacted the remainder of this section without such invalid or unconstitutional provision.

Sec. 3. K.S.A. 65-656 and 65-665 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 5, 2022.

CHAPTER 85

HOUSE BILL No. 2237

AN ACT concerning economic development; enacting the Kansas affordable housing tax credit act and the Kansas housing investor tax credit act; providing tax credits for qualified housing projects; establishing an older structures tax credit; increasing the amount of the historic structures tax credit for qualified expenditures incurred for structures in cities with a certain population; enacting the Kansas rural home loan guarantee act; guaranteeing a certain portion of home loans with moneys from the state housing trust fund; authorizing certain unique residential real property appraisals in rural counties to be conducted without completing the sales comparison approach to value; allowing the use of bond proceeds under the Kansas rural housing incentive district act for residential vertical development and renovation of certain buildings within economically distressed urban areas; relating to the child day care services assistance tax credit; providing a credit for employer payments to an organization providing access to employees for child day care services and expanding eligible taxpayers; amending K.S.A. 79-32,190 and 79-32,211 and K.S.A. 2021 Supp. 12-5242 and 12-5249 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. The provisions of sections 1 through 6, and amendments thereto, shall be known and may be cited as the Kansas affordable housing tax credit act.

New Sec. 2. As used in sections 1 through 6, and amendments thereto:

(a) "Act" means the provisions of sections 1 through 6, and amendments thereto;

(b) "allocation certificate" means a statement issued by the KHRC certifying that a given development is eligible for the credit and specifying the amount of the credit allowed;

(c) "credit" means the Kansas affordable housing tax credit allowed pursuant to this act;

(d) "credit period" means the credit period as defined in section 42(f)(1) of the federal internal revenue code;

(e) "director" means the director of taxation pursuant to K.S.A. 75-5102, and amendments thereto;

(f) "federal tax credit" means the federal low-income housing tax credit provided by section 42 of the federal internal revenue code;

(g) "KHRC" means the Kansas housing resources corporation, a not-for-profit subsidiary of the Kansas development finance authority incorporated pursuant to K.S.A. 74-8904(v), and amendments thereto;

(h) "pass-through entity" means any: (1) Limited liability company; (2) limited partnership; or (3) limited liability partnership;

(i) "pass-through certification" means a certification provided to the director by any pass-through entity allocating a credit to its partners or members, certifying the amount of credit to be allocated to each partner or member of such pass-through entity;

(j) "qualified allocation plan" means the qualified allocation plan adopted by the KHRC pursuant to section 42(m) of the federal internal revenue code;

(k) "qualified development" means a "qualified low-income housing project," as that term is defined in section 42 of the federal internal revenue code that is located in Kansas and is determined by the KHRC to be eligible for a federal tax credit whether or not a federal tax credit is allocated with respect to such qualified development; and

(l) "qualified taxpayer" means an individual, a person, firm, corporation, or other entity that owns an interest, direct or indirect, in a qualified development and is subject to the taxes imposed by the Kansas income tax act, the privilege taxes imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or the premium taxes imposed pursuant to K.S.A. 40-252, and amendments thereto.

New Sec. 3. (a) For all taxable years commencing after December 31, 2022, there shall be allowed a credit against the income tax liability imposed pursuant to the Kansas income tax act, the privilege tax liability imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or the premium tax liability imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, for each qualified development for each year of the credit period, in an amount equal to the federal tax credit allocated or allowed by the KHRC to such qualified development, except that there shall be no reduction in the credit allowable in the first year of the credit period due to the calculation in section 42(f)(2) of the federal internal revenue code.

(b) The KHRC shall issue an allocation certificate to an owner of a qualified development to which a credit has been allocated. The KHRC shall issue an allocation certificate to the qualified development simultaneously with issuance of federal form 8609 with respect to the federal tax credits.

(c) All allocations shall be made pursuant to the qualified allocation plan.

(d) If an owner of a qualified development receiving an allocation of a credit is a pass-through entity, the owner may allocate the credit among its partners or members in any manner agreed to by such persons regardless of whether: (1) Any such person is allocated or allowed any portion of any federal tax credit with respect to the qualified project; (2) the allocation of the credit under the terms of the agreement has substantial economic effect within the meaning of section 704(b) of the federal internal revenue code; or (3) any such person is deemed a partner for federal income tax purposes, if the partner or member would be considered a partner or member under applicable state law governing such entity and has been

admitted as a partner or member on or prior to the date for filing the qualified taxpayer's tax return, including any amendments to such tax return, with respect to the year of the credit. In the case of multiple tiers of pass-through entities, the credit may be so allocated through any number of pass-through entities in any manner agreed by the owners of such pass-through entities, none of which shall be considered a transfer. Any pass-through entity allocating a credit to its partners or members shall attach a pass-through certification to its tax return annually. Each partner or member shall be allowed to claim or further allocate such amount subject to any restrictions set forth in this act.

(e) An owner of a qualified development to which a credit has been allocated and each qualified taxpayer to which such owner has allocated a portion of such credit, if any, shall file with their state income, privilege or premium tax return a copy of the allocation certificate issued by the KHRC with respect to such qualified development and a copy of any pass-through certification, as prescribed by the director.

(f) No credit shall be allocated pursuant to this act unless the qualified development is the subject of a recorded restrictive covenant requiring the development to be maintained and operated as a qualified development and is in accordance with the accessibility and adaptability requirements of the federal tax credits and title VIII of the civil rights act of 1968, as amended by the fair housing amendments act of 1988, for a period of 15 taxable years, or such longer period as may be agreed to between the KHRC and the owner of the qualified development, beginning with the first taxable year of the credit period.

(g) The allocated credit amount may be taken against the income, privilege or premium taxes imposed for each taxable year of the credit period. Any amount of credit that exceeds the income, privilege or premium tax liability of a qualified taxpayer for a taxable year may be carried forward as a credit against subsequent years' tax liability up to 11 tax years following the tax year in which the allocation was made and shall be applied first to the earliest years possible. Any amount of the credit that is not used shall not be refunded to the taxpayer.

(h) Unless otherwise provided in this act or the context or law requires otherwise, the KHRC shall determine eligibility for a credit and allocate credits in accordance with the standards and requirements set forth in section 42 of the federal internal revenue code. Any combination of federal tax credits and credits allowed pursuant to this act shall be the least amount necessary to ensure the financial feasibility of a qualified development.

New Sec. 4. If, under section 42 of the federal internal revenue code, a portion of any federal tax credit taken on a qualified development is required to be recaptured or is otherwise disallowed during the credit

period, the qualified taxpayer that claimed the credit pursuant to this act with respect to such qualified development shall also be required to recapture a portion of any credits authorized by this act. The percentage of credits subject to recapture shall be equal to the percentage of federal tax credits subject to recapture or otherwise disallowed during such period. Any credits recaptured or disallowed shall increase the tax liability of the qualified taxpayer who claimed the credits and shall be included on the tax return of the qualified taxpayer submitted for the taxable year in which the recapture or disallowance event is identified.

New Sec. 5. The KHRC and the director, in consultation with each other, shall promulgate rules and regulations necessary for their respective administration of this act.

New Sec. 6. (a) The KHRC, in consultation with the director, shall monitor and oversee compliance with the provisions of this act and shall report specific occurrences of noncompliance to the director.

(b) For each allocation year, the KHRC shall submit a written report to the legislature on or before December 31 of each year and make such report available to the public. The report shall:

(1) Specify the number of qualified developments that have been allocated credits during the allocation year and the total number of units supported by each development;

(2) describe each qualified development that has been allocated credits including, without limitation, the geographic location of the development, the household type and any specific demographic information available about residents intended to be served by the development, the income levels intended to be served by the development, and the rents or set-asides authorized for each development; and

(3) provide housing market and demographic information that demonstrates how the qualified developments supported by the credits are addressing the need for affordable housing within the communities they are intended to serve as well as information about any remaining disparities in the affordability of housing within those communities.

New Sec. 7. (a) The purpose of the Kansas housing investor tax credit act is to bring housing investment dollars to communities that lack adequate housing. Development of suitable residential housing will complement economic development of rural and urban areas that lack adequate housing resources and enable such communities to attract businesses, employees and new residents.

(b) Sections 7 through 12, and amendments thereto, shall be known and may be cited as the Kansas housing investor tax credit act.

New Sec. 8. As used in the Kansas housing investor tax credit act, sections 7 through 12, and amendments thereto:

(a) "Act" means the Kansas housing investor tax credit act;

(b) "cash investment" means, as approved by the director, money or money equivalent in consideration for qualified securities;

(c) "city" means any city incorporated in accordance with Kansas law with a population of less than 70,000, as certified to the secretary of state by the division of the budget on the previous July 1 in accordance with K.S.A. 11-201, and amendments thereto;

(d) "corporation" means the Kansas housing resources corporation;

(e) "county" means any county organized in accordance with K.S.A. 18-101 et seq., and amendments thereto, with a population of less than 75,000, as certified to the secretary of state by the division of the budget on the previous July 1 in accordance with K.S.A. 11-201, and amendments thereto;

(f) "director" means the director of housing of the Kansas development finance authority;

(g) "Kansas investor" means an individual who is a resident of Kansas or any business entity domiciled in Kansas, or any corporation, even if a wholly owned subsidiary of a foreign corporation, that does business primarily in Kansas or conducts substantially all of its business activities in Kansas, or a bank or other financial institution or association chartered or incorporated under the laws of Kansas that does business primarily in Kansas or conducts substantially all of its business activities in Kansas;

(h) "manufactured home" means a "manufactured home" as defined in K.S.A. 58-4202, and amendments thereto, that is installed on a permanent foundation. The permanent foundation shall be of a type not removable intact from the site, constructed of durable materials such as concrete, mortared masonry or treated wood, site built and shall have attachment points to anchor and stabilize the manufactured home to transfer all loads to the underlying soil or rock;

(i) "modular home" means a "modular home" as defined in K.S.A. 58-4202, and amendments thereto, that is installed on a permanent foundation. The permanent foundation shall include a basement or crawl space;

(j) "qualified housing project" means a project within a city or county for the construction of single-family residential dwellings, including, but not limited to, manufactured housing or modular housing, or multi-family residential dwellings or buildings, that is eligible for designation by the director as a project for the purposes of the tax credit allowed under this act. "Qualified housing project" does not include a project eligible for income or other tax credits designated for low-income housing under state or federal law, including, but not limited to, the low income housing tax credit pursuant to 26 U.S.C. § 42, or a project participating in tenant-based or project-based programs pursuant to section 8 of the United States housing act of 1937, 42 U.S.C. § 1437f;

(k) "qualified investor" means an investor that has made a cash investment in a qualified housing project and is eligible for a tax credit under this act. A "qualified investor" includes a natural person, a business or a bank or other financial institution or association and the project builder or developer; and

(l) "qualified securities" means a cash investment through any form or combination of forms of financial assistance, including equity or debt instruments or bank or financial institution or association loans pursuant to rules and regulations adopted by the director, and that with respect to any investment made for the purpose of receiving a tax credit under this act have been approved in form and substance by the director.

New Sec. 9. (a) There is hereby established the Kansas housing investor tax credit program within the Kansas housing resources corporation, to be administered by the director of housing. The purpose of tax credits issued under the Kansas housing investor tax credit program is to facilitate investment in suitable housing that will support the growth of communities that lack adequate housing by attracting new employees, residents and families and will support the development and expansion of businesses that are job and wealth creating enterprises.

(b) To achieve this purpose and to optimize the use of the limited resources of the state, the director is authorized to issue tax credits for qualified housing projects to qualified investors who make cash investments in such qualified housing projects and to project builders and developers. Such tax credits shall be issued for those qualified housing projects that, as determined by the director, are most likely to provide the greatest economic benefit to and best meet the needs of the community lacking adequate housing where the project is located. In issuing tax credits, the director shall give priority to Kansas investors.

(c) To be designated as a qualified housing project, the project builder or developer shall apply to the director. Such application shall be in a form and substance as required by the director and shall include:

(1) The name and address of the project builder or developer and names of all principals or management;

(2) if the project builder or developer is seeking tax credits for such builder's or developer's cash investment in the project, information as required by the director for consideration of the request;

(3) a project plan, including a description of the project, timeline, housing to be constructed, intended market, costs and anticipated pricing for the housing and any other information that may be required by the director;

(4) a statement of the potential economic impact of the project;

(5) a description of all financing for the project, the amount of any tax credits requested and the earliest year in which the tax credits may be claimed;

(6) a statement of the amount, timing and projected use of the proceeds to be raised from qualified investors;

(7) the names, addresses and taxpayer identification numbers of all investors who may qualify for the tax credit. Such list of investors who may qualify for the tax credit shall be amended as any information on the list shall change; and

(8) such additional information as the director may require.

(d) In determining whether to designate a project as a qualified housing project, the director shall consider whether the project:

(1) Has the support of the community and the governing body of the city or county where such project is located;

(2) will enhance the ability of the community that lacks adequate housing to attract new businesses or expand existing business by providing suitable housing directly for employees or make such housing significantly more available, or will meet other significant housing needs of the community making the community attractive to new or expanding businesses or their employees, as determined by the director;

(3) has the financial support, management, planning and market to be successful;

(4) has an analysis or survey of the housing needs of the community provided by the project builder or developer or the governing body of the city or county where the project is located that, in the director's judgment, supports proceeding with the proposed project for the purposes of this act;

(5) has met all other requirements of this act to the satisfaction of the director; and

(6) has met such other requirements of the director as adopted in rules and regulations.

(e) If the director approves the application, the director shall enter into an agreement with the project builder or developer for the project prior to issuing any tax credits for the project. The agreement shall set forth the amount of tax credits to be issued for the project, the requirements for a cash investment and the issuance of tax credits. If the project builder or developer has been approved by the director for tax credits for the project builder's or developer's cash investment in the project, the agreement shall set forth the amount of credits so approved and the amount of credits remaining for issuance to other qualified investors. Such agreement shall require, as a condition of the issuance of tax credits, binding commitments by the project builder or developer to the corporation for:

(1) The reporting of progress and financial data, including investor information. The project builder or developer shall have the obligation to notify the director in a timely manner of any changes in the qualifications of the project or in the eligibility of investors to claim a tax credit;

(2) the right of access to the project and to the financial records of the project builder or developer;

(3) the provision of information for purposes of the economic development incentive program information database pursuant to K.S.A. 2021 Supp. 74-50,226, and amendments thereto;

(4) the repayment requirements upon loss of designation pursuant to section 11, and amendments thereto; and

(5) any additional terms and conditions required by the director.

(f) To be eligible to receive tax credits, a qualified investor shall make a cash investment in the project in accordance with the agreement required by subsection (e). Each project builder or developer of a designated qualified housing project shall promptly report to the corporation the following information at the time such information becomes known to the builder or developer:

(1) The name, address and taxpayer identification number of each qualified investor who has made a cash investment in qualified securities in the project and has received tax credits for this investment during the preceding year and all other preceding years;

(2) the amounts of the cash investments by each qualified investor and a description of the qualified securities issued in consideration of such cash investments;

(3) the name, address and taxpayer identification number of each person to whom tax credits have been transferred by the original qualified investor; and

(4) any additional information as the director may require when requested.

(g) Any violation of the reporting requirements set forth in this section shall be grounds for loss of the designation as a qualified housing project, as provided by section 5, and amendments thereto.

(h) The reasonable costs of the administration of this act, the review of applications for certification as qualified housing projects and the issuance of tax credits to qualified housing projects as authorized by this act may be reimbursed in total or in part through fees paid by the qualified project, qualified investors or transferees of investors, according to a reasonable fee schedule adopted by the director.

(i) The state of Kansas shall not be held liable for any damages to any qualified investor that makes an investment in a qualified housing project.

(j) The director shall provide information regarding qualified housing projects and qualified investors to the secretary of revenue.

(k) The director shall adopt rules and regulations as necessary to implement the provisions of this act.

New Sec. 10. (a) (1) For tax year 2022 and all tax years thereafter, a credit against the income tax liability imposed pursuant to the Kansas

income tax act, the privilege tax liability imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or the premium tax liability imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, shall be allowed to:

(A) A qualified investor for a cash investment in a qualified housing project that has been approved and issued a tax credit by the director. The tax credit may be claimed in its entirety in the taxable year the cash investment is made; and

(B) a project builder or developer of a qualified housing project that has been approved and issued a tax credit by the director.

(2) To claim such tax credit, the qualified investor or project builder or developer shall provide all information or documentation in the form and manner required by the secretary of revenue. If the amount of the credit exceeds the taxpayer's tax liability in any one taxable year, the remaining portion of the credit may be carried forward in the succeeding taxable years until the total amount of the credit is used, except that no credit may be claimed after four taxable years next succeeding the taxable year that such credit was issued, and any remaining credit shall be forfeited.

(b) (1) Tax credits may be issued by the director for a qualified housing project as follows:

(A) For qualified housing projects located in a county with a population of not more than 8,000, in an amount not to exceed $35,000 per residential unit;

(B) for qualified housing projects located in a county with a population of more than 8,000 but not more than 25,000, in an amount not to exceed $32,000 per residential unit; and

(C) for all other qualified housing projects, in an amount not to exceed $30,000.

(2) A qualified housing project shall be limited to a total of 40 such residential units per year for both single-family and multi-family dwellings.

(3) Tax credits may be issued to a qualified investor in the amount of a cash investment of up to the total amount that may be issued by the director under this subsection for the qualified housing project, or as provided in the agreement required by section 9, and amendments thereto. Project builders or developers may apply to the director each year for tax credits for additional units or phases of a project. Qualified investors may be issued tax credits for cash investments in multiple qualified housing projects. Project builders or developers may apply and be approved for multiple qualified housing projects in the same tax year.

(4) The aggregate amount of tax credits that may be issued under this section shall not exceed $13,000,000 each tax year, except that if the di-

rector issues an aggregate amount of tax credits in one tax year that is less than $13,000,000, then the director may carry forward the difference and issue such amount of tax credits in the immediately succeeding tax year in addition to the statutory amount that may be issued under this section. Of the aggregate amount of tax credits issued in one tax year, the director shall allocate:

(A) Not less than $2,500,000 in tax credits for qualified housing projects located in counties with a population of not more than 8,000;

(B) not less than $2,500,000 in tax credits for qualified housing projects located in counties with a population of more than 8,000 but not more than 25,000; and

(C) up to $8,000,000 in tax credits for qualified housing projects located in counties with a population of more than 25,000 but not more than 75,000.

(c) A cash investment in a qualified housing project shall be deemed to have been made on the date of acquisition of the qualified security, as such date is determined by the director.

(d) Any qualified investor without a current tax liability at the time of the investment in a qualified housing project that does not reasonably believe such investor will owe any such tax for the current taxable year and who receives a tax credit pursuant to this section shall be deemed to acquire an interest in the nature of a transferable credit limited to the amount of the credit issued to the qualified investor by the director. This interest may be transferred to any person whether or not such person is then a qualified investor and be claimed by the transferee as a credit against the transferee's Kansas tax liability in the same manner as the transferor beginning in the year the credit is transferred. The credit may be carried forward as permitted by subsection (a). No person shall be entitled to a refund for any interest on such tax credit that may be created under this section. Only the full amount of the tax credit for any one qualified housing project investment may be transferred and may only be transferred one time. A credit acquired by transfer shall be subject to the limitations prescribed in this section. Documentation of any credit acquired by transfer shall be provided by the taxpayer claiming such credit in the manner required by the secretary of revenue. The qualified investor transferring such credit shall provide the director and the secretary of revenue with the name, address and taxpayer identification number of each person to whom tax credits have been transferred and such other information as may be required by the director or the secretary of revenue.

(e) The secretary of revenue may adopt rules and regulations as necessary to implement and administer the provisions of this act.

New Sec. 11. (a) If the director determines that a project is not in substantial compliance with the requirements of this act or the agreement

executed pursuant to section 9, and amendments thereto, the director shall inform the project builder or developer of the project in writing that the project will lose designation as a qualified housing project in 120 days from the date of mailing of the notice unless such builder or developer corrects the deficiencies and becomes compliant with with the requirements for designation.

(b) At the end of such 120-day period, if the project is still not in substantial compliance, the director shall send a notice of loss of designation to the project builder or developer, the secretary of revenue and all known qualified investors in the project. Loss of designation of a qualified housing project shall preclude the issuance of any additional tax credits with respect to the project, and the director shall not approve any subsequent application for such project as a qualified housing project. Upon loss of the designation as a qualified housing project, the project builder or developer shall repay any tax credits such taxpayer has claimed.

(c) Qualified investors other than the project builder or developer who have lawfully made a cash investment in a qualified housing project approved by the director shall not have tax credits disallowed solely due to the project losing its designation as a qualified housing project under this act.

New Sec. 12. (a) On or before January 31, 2023, and on or before January 31 of each year thereafter, the director shall transmit a report annually to the governor, the standing committee on commerce of the senate and the standing committee on commerce, labor and economic development of the house of representatives. Such report shall be based upon information received from each qualified housing project for which tax credits have been issued during the preceding year and shall describe the following:

(1) The manner in which the purpose, as described in this act, has been carried out;

(2) the total cash investments made for qualified securities in qualified housing projects during the preceding year and cumulatively since the enactment of this act;

(3) an estimate of jobs facilitated by housing developed through such investments; and

(4) an estimate of the multiplier effect on the Kansas economy of the investments. The amount of tax credits claimed in the previous fiscal year; a general description of the investors that benefited from the tax credits; and any aggregate job creation or capital investment in Kansas that resulted from the tax credits for a period of five years beginning from the date on which the tax credits were issued.

(b) The director shall conduct an annual review of the activities undertaken pursuant to this act to ensure that tax credits issued pursuant to

this act are issued in compliance with the provisions of this act and rules and regulations adopted by the director.

New Sec. 13. K.S.A. 79-32,211, and amendments thereto, and sections 13 and 14, and amendments thereto, shall be known as and may be cited as the historic Kansas act.

New Sec. 14. (a) For all taxable years commencing after December 31, 2021, there shall be allowed a tax credit against the income, privilege or premium tax liability imposed upon a taxpayer pursuant to the Kansas income tax act, the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or the premiums tax and privilege fees imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, in an amount equal to 10% of costs and expenses incurred for the restoration and preservation of a commercial structure at least 50 years old that does not receive tax credits pursuant to K.S.A. 79-32,211, and amendments thereto. An additional tax credit of 10% of the costs and expenses may be allowed for the installation of fire suppression materials or equipment by a taxpayer. The total amount of such costs and expenses shall be at least $25,000 but shall not exceed $500,000. If the amount of such tax credit exceeds the taxpayer's income, privilege or premium tax liability for the year in which the rehabilitation was completed, such excess amount may be carried over for deduction from such taxpayer's income, privilege or premium tax liability in the next succeeding year or years until the total amount of the credit has been deducted from tax liability, except that no such credit shall be carried over for deduction after the 10th taxable year succeeding the taxable year in which the rehabilitation plan was placed in service.

(b) Any bank, savings and loan association or savings bank shall pay taxes on 50% of the interest earned on loans to taxpayers used for costs and expenses for the restoration and preservation of a commercial structure at least 50 years old or for the installation of fire suppression materials or equipment.

(c) If the taxpayer is a corporation having an election in effect under subchapter S of the federal internal revenue code, a partnership or a limited liability company, the credit provided by this section shall be claimed by the shareholders of such corporation, the partners of such partnership or the members of such limited liability company in the same manner as such shareholders, partners or members account for their proportionate shares of the income or loss of the corporation, partnership or limited liability company, or as the corporation, partnership or limited liability company mutually agree as provided in the bylaws or other executed agreement. Credits granted to a partnership, a limited liability compa-

ny taxed as a partnership or other multiple owners of property shall be passed through to the partners, members or owners respectively pro rata or pursuant to an executed agreement among the partners, members or owners documenting any alternate distribution method.

(d) Any person, hereinafter designated the assignor, may sell, assign, convey or otherwise transfer tax credits allowed and earned pursuant to subsection (a). The taxpayer acquiring credits, hereinafter designated the assignee, may use the amount of the acquired credits to offset up to 100% of the assignee's income, privilege or premium tax liability for either the taxable year in which the costs and expenses were made. Unused credit amounts claimed by the assignee may be carried forward for up to five years, except that all such amounts shall be claimed within 10 years following the tax year in which the costs and expenses were made. The assignor shall enter into a written agreement with the assignee establishing the terms and conditions of the agreement.

(e) No person claiming a tax credit under this section may claim a tax credit for the same structure under K.S.A. 79-32,211, and amendments thereto.

(f) The aggregate amount of tax credits that may be claimed under this section shall not exceed $10,000,000 each tax year.

(g) The director of taxation may adopt rules and regulations as necessary for the efficient and effective administration of the provisions of this section.

New Sec. 15. The provisions of sections 15 through 19, and amendments thereto, shall be known and may be cited as the Kansas rural home loan guarantee act.

New Sec. 16. As used in the Kansas rural home loan guarantee act:

(a) "Act" means the Kansas rural home loan guarantee act;

(b) "corporation" means the Kansas housing resources corporation;

(c) "financial institution" means any bank, trust company, savings bank, credit union, savings and loan association or any other lending institution that is approved by the corporation;

(d) "loan" means a transaction with a financial institution to provide the owner financing for the construction or renovation of a single-family home in a rural county; and

(e) "rural county" means any county in this state with a population of less than 10,000, as certified to the secretary of state pursuant to K.S.A. 11-201, and amendments thereto, on July 1 of the preceding year.

New Sec. 17. (a) The corporation is hereby authorized to enter into agreements with financial institutions to provide loan guarantees against risk of default for rural housing loans in accordance with the provisions of this act. Except as provided in section 18, and amendments thereto,

for payment for a loan guarantee for which the state housing trust fund is liable, no claim against the state under this act shall be paid by the state, the corporation or any other state agency other than pursuant to an appropriation act of the legislature after such claim has been filed with and considered by the joint committee on special claims against the state.

(b) Eligible financial institutions shall apply all usual lending standards to determine the creditworthiness of eligible rural home loan borrowers. The financial institution originating the loan shall be responsible for monitoring the loan and, in case of any default, working with the borrower to obtain the collateral for the loan. The financial institution shall be in the first position and the state in second position to recover on the loan.

(c) The corporation shall administer the provisions of this act and shall adopt rules and regulations for the implementation or administration of this act including the development of an application process. The loan guarantee agreement with the corporation shall include reporting requirements and financial standards that are appropriate for the type of loan for the borrower. The corporation may enter into contracts that the corporation deems necessary for the implementation or administration of this act. The corporation may impose fees and charges as may be necessary to recover costs incurred for the administration of this act.

New Sec. 18. (a) Notwithstanding the provisions of K.S.A. 12-5256 or 74-8959, and amendments thereto, to the contrary, each agreement entered into by the corporation to guarantee against default on a loan transaction shall be backed by the state housing trust fund and shall receive prior approval by the corporation or the corporation's designee.

(b) Each loan transaction eligible for a guarantee under this act shall be for the construction or renovation of a single-family home in a rural county. Eligible costs may include land and building purchases, renovation and new construction costs, equipment and installation costs, predevelopment costs that may be capitalized, financing, capitalized interest during construction and consultant fees that do not include staff costs.

(c) The portion of the loan guaranteed by the corporation under this act shall be for the amount of the loan that exceeds 80% of the appraised value of the home. No loan amount above 125% of the appraised value of the home shall be guaranteed by the corporation under this act. The loan amount guaranteed by the corporation under this act shall not exceed $100,000 per home.

(d) The total amount of loans guaranteed by the corporation under this act shall not exceed $2,000,000.

(e) All fees and charges imposed by the corporation and other moneys received by the corporation under this act 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 state housing trust fund.

New Sec. 19. Beginning with the 2023 regular session of the legislature, the corporation shall prepare an annual report of the Kansas rural home loan guarantee act activity, including new loans, loan repayment status and other relevant information regarding activities under this act and shall submit such report at the beginning of each regular session of the legislature to the house of representatives committee on appropriations, or to the appropriate budget committee, and the senate committee on ways and means, or to the appropriate subcommittee thereof or to the successors of such committees.

New Sec. 20. (a) In developing an appraisal of residential real property identified as unique in style or square footage, or both, located in a rural county for the purpose of a mortgage finance transaction, if the sales comparison approach cannot be developed for a credible opinion or indication of value due to a lack of available comparable sales within 30 miles, the appraiser may perform the appraisal without completing the sales comparison approach to value. In the appraisal report, the appraiser shall provide an explanation of the reasons for exclusion of the sales comparison approach and document efforts to obtain comparable sales or market data. A financial institution shall not decline to proceed with a mortgage finance transaction due to the exclusion of the sales comparison approach in accordance with this section unless the sales comparison approach is required in order for such mortgage finance transaction loan to be guaranteed or sold in the secondary market.

(b) As used in this section:

(1) "Financial institution" means a bank, national banking association, savings and loan association, savings bank, trust company, credit union, finance company or other lending institution; and

(2) "rural county" means any county in this state with a population of less than 10,000, as certified to the secretary of state pursuant to K.S.A. 11-201, and amendments thereto, on July 1 of the preceding year.

Sec. 21. K.S.A. 2021 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 amendments thereto,* and K.S.A. 2021 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 *the city of Topeka or* any city incorporated in accordance with Kansas law*:*

(1) 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 in accordance with K.S.A. 11-201, and amendments thereto*; or*

(2) for purposes of a project as defined in K.S.A. 12-5249(a)(11), and amendments thereto, within a qualified census tract, "city" includes any city with a qualified census tract located within the city.

(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~~,~~*:*

(1) 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 1st in accordance with K.S.A. 11-201, and amendments thereto*; or*

(2) for purposes of a project as defined in K.S.A. 12-5249(a)(11), and amendments thereto, within a qualified census tract, "county" includes any county with a qualified census tract located within the county.

(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) *"Qualified census tract" means an economically distressed urban area that is a qualified census tract as defined and designated by the United States department of housing and urban development.*

(k) "Real property taxes" means and includes all taxes levied on an ad valorem basis upon land and improvements thereon.

~~(k)~~*(l)* "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.

Sec. 22. K.S.A. 2021 Supp. 12-5249 is hereby amended to read as follows: 12-5249. (a) Any city or county ~~which~~ *that* has established a ru-

ral housing incentive district may use the proceeds of special obligation bonds issued under K.S.A. 12-5248, and amendments thereto, or any uncommitted funds derived from those sources of revenue set forth in K.S.A. 12-5248(a)(1), and amendments thereto, to implement specific projects identified within the rural housing incentive district plan including, without limitation:

(1) Acquisition of property within the specific project area or areas as provided in K.S.A. 12-5247, and amendments thereto;

(2) payment of relocation assistance;

(3) site preparation;

(4) sanitary and storm sewers and lift stations;

(5) drainage conduits, channels and levees;

(6) street grading, paving, graveling, macadamizing, curbing, guttering and surfacing;

(7) street lighting fixtures, connection and facilities;

(8) underground gas, water, heating, and electrical services and connections located within the public right-of-way;

(9) sidewalks;

(10) water mains and extensions; and

(11) renovation of buildings or other structures more than 25 years of age primarily for residential use located in a central business district *or in a business or commercial district within a qualified census tract* as approved by the secretary of commerce. Certification of the age of the building or other structure shall be submitted to the secretary by the governing body of the city or county with the resolution as provided by K.S.A. 12-5244, and amendments thereto. Eligible residential improvements shall include only improvements made to the second or higher floors of a building or other structure. Improvements for commercial purposes shall not be eligible.

(b) None of the proceeds from the sale of special obligation bonds issued under K.S.A. 12-5248, and amendments thereto, shall be used for the construction of buildings or other structures to be owned by or to be leased to any developer of a residential housing project within the district, except for buildings or other structures located in a central business district *or in a business or commercial district within a qualified census tract* as approved by the secretary of commerce.

Sec. 23. K.S.A. 79-32,190 is hereby amended to read as follows: 79-32,190. (a) Any taxpayer that pays for or provides child day care services, including the provision of the service of locating such services, to its employees or that provides facilities and necessary equipment for child day care services shall be allowed a credit against the privilege or income tax imposed by articles 11 and 32 of chapter 79 of the Kansas Statutes Annotated*, and amendments thereto,* as follows:

(1) ~~Thirty percent~~ *30%* of the total amount expended in the state during the taxable year by a taxpayer for child day care services purchased to provide care for the dependent children of the taxpayer's employees or for the provision of the service of locating such services for such children;

(2) (A) in the taxable year in which a facility providing child day care services in the state for use primarily by the dependent children of the taxpayer's employees is established, 50% of the total amount expended during such year by a taxpayer in the establishment and operation of such facility;

(B) in the taxable years other than the taxable year to which paragraph (2)(A) applies, 30% of the amount equal to the total amount expended during the taxable year by a taxpayer for the operation of a facility described in paragraph (2)(A) less the amount of moneys received by the taxpayer for use of such facility for child day care services;

(3) (A) in the taxable year in which a facility providing child day care services in the state for use primarily by the dependent children of the taxpayers' employees is established in conjunction with one or more other taxpayers, 50% of the total amount expended during such year by a taxpayer in the establishment and operation of such facility;

(B) in the taxable years other than the taxable year to which paragraph (3)(A) applies, 30% of the amount equal to the total amount expended during the taxable year by a taxpayer for the operation of a facility described in paragraph (3)(A) less the amount of moneys received by the taxpayer for use of such facility for child day care services*; and*

(4) for all taxable years commencing after December 31, 2020, 50% of the amount equal to the total amount expended during the taxable year by a taxpayer as payments to an organization providing access to available child day care services for the taxpayer's employees.

(b) No credit shall be allowed under this section unless the child day care facility or provider is licensed ~~or registered~~ pursuant to Kansas law.

(c) The credit allowed by ~~paragraphs (1), (2)(B) and (3)(B) of~~ subsection (a)*(1), (2)(B) and (3)(B)* shall not exceed $30,000 for any taxpayer during any taxable year. The credit allowed by ~~paragraphs (2)(A) and (3)(A) of~~ subsection (a)*(2)(A), (3)(A) and (4)* shall not exceed $45,000 for any taxpayer during any taxable year. The amount of the credit which exceeds the tax liability for a taxable year shall be refunded to the taxpayer. If the taxpayer is a corporation having an election in effect under subchapter S of the federal internal revenue code or a partnership, the credit provided by this section shall be claimed by the shareholders of such corporation or the partners of such partnership in the same manner as such shareholders or partners account for their proportionate shares of the income or loss of the corporation or partnership.

(d) The aggregate amount of credits claimed under this act for any fiscal year shall not exceed $3,000,000.

(e) For tax ~~year~~ *years* 2013 ~~and all tax years thereafter~~ *through 2020*, 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.

Sec. 24. K.S.A. 79-32,211 is hereby amended to read as follows: 79-32,211. (a) For all taxable years commencing after December 31, 2006, there shall be allowed a tax credit against the income, privilege or premium tax liability imposed upon a taxpayer pursuant to the Kansas income tax act, the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, *and amendments thereto,* or the premiums tax and privilege fees imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, in an amount equal to*:*

(1) 25% of qualified expenditures incurred in the restoration and preservation of a qualified historic structure pursuant to a qualified rehabilitation plan by a qualified taxpayer ~~if the total amount of such expenditures equal $5,000 or more~~ *if the total amount of such expenditures equals $5,000 or more;* ~~or in an amount equal to~~

(2) 30% of the qualified expenditures incurred in the restoration and preservation of a qualified historic structure located in a city with a population between 9,500 and 50,000 pursuant to a qualified rehabilitation plan by a qualified taxpayer if the total amount of such expenditures equals $5,000 or more;

(3) 40% of the qualified expenditures incurred in the restoration and preservation of a qualified historic structure located in a city with a population of less than 9,500 pursuant to a qualified rehabilitation plan by a qualified taxpayer if the total amount of such expenditures equals $5,000 or more; or

(4) 30% of qualified expenditures incurred in the restoration and preservation of a qualified historic structure which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code and which is not income producing pursuant to a qualified rehabilitation plan by a qualified taxpayer if the total amount of such expenditures equals $5,000 or more. ~~In no event shall the total amount of credits allowed under this section exceed $3,750,000 for fiscal year 2010.~~

(b) If the amount of such tax credit exceeds the qualified taxpayer's income, privilege or premium tax liability for the year in which the qualified rehabilitation plan was placed in service, as defined by section 47(b)(1) of the federal internal revenue code and federal regulation section 1.48-12(f)(2), such excess amount may be carried over for deduction from such taxpayer's income, privilege or premium tax liability in the next suc-

ceeding year or years until the total amount of the credit has been deducted from tax liability, except that no such credit shall be carried over for deduction after the 10th taxable year succeeding the taxable year in which the qualified rehabilitation plan was placed in service.

~~(b)~~*(c) Any bank, savings and loan association or savings bank shall pay taxes on 50% of the interest earned on loans to qualified taxpayers used for qualified expenditures for the restoration and preservation of a qualified historic structure.*

(d) As used in this section, unless the context clearly indicates otherwise:

(1) "Qualified expenditures" means the costs and expenses incurred by a qualified taxpayer in the restoration and preservation of a qualified historic structure pursuant to a qualified rehabilitation plan which are defined as a qualified rehabilitation expenditure by section 47(c)(2) of the federal internal revenue code;

(2) "qualified historic structure" means any building, whether or not income producing, which is defined as a certified historic structure by section 47(c)(3) of the federal internal revenue code, is individually listed on the register of Kansas historic places, or is located and contributes to a district listed on the register of Kansas historic places;

(3) "qualified rehabilitation plan" means a project which is approved by the cultural resources division of the state historical society, or by a local government certified by the division to so approve, as being consistent with the standards for rehabilitation and guidelines for rehabilitation of historic buildings as adopted by the federal secretary of interior and in effect on the effective date of this act. The society shall adopt rules and regulations providing application and approval procedures necessary to effectively and efficiently provide compliance with this act, and may collect fees in order to defray its approval costs in accordance with rules and regulations adopted therefor; and

(4) "qualified taxpayer" means the owner of the qualified historic structure or any other person who may qualify for the federal rehabilitation credit allowed by section 47 of the federal internal revenue code.

If the taxpayer is a corporation having an election in effect under subchapter S of the federal internal revenue code, a partnership or a limited liability company, the credit provided by this section shall be claimed by the shareholders of such corporation, the partners of such partnership or the members of such limited liability company in the same manner as such shareholders, partners or members account for their proportionate shares of the income or loss of the corporation, partnership or limited liability company, or as the corporation, partnership or limited liability company mutually agree as provided in the bylaws or other executed agreement. Credits granted to a partnership, a limited liability company taxed as a partnership or other multiple owners of property shall be

passed through to the partners, members or owners respectively pro rata or pursuant to an executed agreement among the partners, members or owners documenting any alternate distribution method.

(e) Any person, hereinafter designated the assignor, may sell, assign, convey or otherwise transfer tax credits allowed and earned pursuant to subsection (a). The taxpayer acquiring credits, hereinafter designated the assignee, may use the amount of the acquired credits to offset up to 100% of ~~its~~ *such assignee's* income, privilege or premiums tax liability for either the taxable year in which the qualified rehabilitation plan was first placed into service or the taxable year in which such acquisition was made. Unused credit amounts claimed by the assignee may be carried forward for up to five years, except that all such amounts shall be claimed within 10 years following the tax year in which the qualified rehabilitation plan was first placed into service. The assignor shall enter into a written agreement with the assignee establishing the terms and conditions of the agreement and shall perfect such transfer by notifying the cultural resources division of the state historical society in writing within 90 calendar days following the effective date of the transfer and shall provide any information as may be required by such division to administer and carry out the provisions of this section. The amount received by the assignor of such tax credit shall be taxable as income of the assignor, and the excess of the value of such credit over the amount paid by the assignee for such credit shall be taxable as income of the assignee.

(f) The executive director of the state historical society may adopt rules and regulations as necessary for the efficient and effective administration of the provisions of this section.

Sec. 25. K.S.A. 79-32,190 and 79-32,211 and K.S.A. 2021 Supp. 12-5242 and 12-5249 are hereby repealed.

Sec. 26. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 5, 2022.

CHAPTER 86

Substitute for HOUSE BILL No. 2466

AN ACT concerning education; relating to school districts; enacting the promoting advancement in computing knowledge act; relating to computer science courses of instruction in secondary schools; establishing the computer science educator program; authorizing scholarship awards to licensed and preservice teachers taking computer science courses; relating to career and technical education courses and credentialing; requiring the state department of education to survey career and technical education programs in public high schools; establishing a career technical education credentialing and student transitioning to employment success pilot program in school year 2022-2023; requiring a report on the pilot program; exempting national assessment providers from the student online personal protection act; amending K.S.A. 72-6332 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. The provisions of sections 1 through 4, and amendments thereto, shall be known and may be cited as the promoting advancement in computing knowledge act.

New Sec. 2. As used in the promoting advancement in computing knowledge act:

(a) "Computer science" means the study of computers and algorithmic processes, including principles, hardware and software designs, implementation and impact on society.

(b) "Computer science course" means any standalone computer science course of instruction that teaches the content in the Kansas model standards for computer science.

(c) "High-quality professional learning" means professional development activities that:

(1) Clarify the conceptual foundations of computer science;

(2) teach research-based practices, including hands-on and inquiry-based learning; and

(3) are intended for existing teachers with or without prior computer science experience.

(d) "High-quality professional learning providers" means any school district, school district interlocal cooperative, school district cooperative, institution of higher education, nonprofit organization or private entity that:

(1) Has successfully designed, implemented and scaled high-quality professional learning for teachers; and

(2) is approved or recommended by the state board of education as providing high-quality professional learning.

New Sec. 3. (a) Beginning in the 2023-2024 school year, each secondary school operated by a school district shall offer at least one computer

science course or a school district shall submit a plan to the state board of education describing how such district intends to offer such course and the school year such course will first be offered.

(b) A computer science course offered pursuant to this section shall:

(1) Be high quality;

(2) meet or exceed the Kansas model standards for computer science established by the state board of education; and

(3) be made available in a traditional classroom setting, blended learning environment, online-based or other technology-based format that is tailored to meet the needs of each secondary school and each participating student.

(c) (1) On or before January 15, 2023, and each January 15 thereafter, the state board shall prepare and submit a report to the governor and the legislature on the progress made pursuant to this act. Such report shall include for the immediately preceding school year:

(A) The number of secondary schools that offered at least one computer science course;

(B) the number of high-quality professional learning providers that received grants pursuant to section 4, and amendments thereto;

(C) the number of teachers prepared by high-quality professional learning providers;

(D) the number of teachers teaching computer science courses as compared to the number of teachers prepared by high-quality professional learning providers; and

(E) the number of students reached, including the number and percentage of such students disaggregated by gender, race, ethnicity and socioeconomic status, by high-quality professional learning providers.

(2) The provisions of this subsection shall expire on July 1, 2025.

New Sec. 4. (a) Subject to appropriations therefor, the state board of education may award grants to high-quality professional learning providers to develop and implement teacher professional development programs for the computer science courses required to be taught pursuant to section 3, and amendments thereto.

(b) Grants awarded pursuant to this section may be used for the following purposes:

(1) Providing high-quality professional learning;

(2) credentialing for computer science teachers, including, but not limited to, reimbursement to teachers or providers for professional learning, exam fees or college coursework;

(3) supporting computer science professional learning, including mentoring and coaching;

(4) creating resources to support implementation of this act;

(5) student recruitment; and

(6) the development of teacher preparation programs.

(c) As a condition of receiving a grant pursuant to this section, a high-quality professional learning provider shall submit an application to the state department of education on a form and in a manner determined by the state department of education. The application shall, at a minimum, address how the provider will:

(1) Recruit new and existing teachers with little to no computer science background;

(2) use research-based or evidence-based practices for high-quality professional development;

(3) focus the professional learning on the conceptual foundations of computer science;

(4) reach and support marginalized racial and ethnic groups underrepresented in computer science;

(5) provide teachers with concrete experience with hands-on, inquiry-based practices;

(6) accommodate both teacher and student needs; and

(7) ensure that participating districts shall begin offering a computer science course within the same or next school year after the teacher receives the professional learning.

(d) The state board of education shall prioritize the following applications:

(1) School districts that work in partnership with providers of high-quality professional learning;

(2) proposals that describe strategies to enroll female students, students from marginalized racial and ethnic groups underrepresented in computer science, students eligible for free and reduced-price meals, students with disabilities and English language learners; and

(3) proposals from rural or urban areas that experience difficulties providing computer science offerings.

(e) Each high-quality professional learning provider that receives a grant pursuant to this section shall annually report to the state board of education:

(1) The number of teachers prepared;

(2) the number of students reached;

(3) the number and percent of students reached disaggregated by gender, race, ethnicity and socioeconomic status; and

(4) the number of teachers and school districts that implemented computer science courses versus the number of prepared teachers that attended professional learning.

New Sec. 5. (a) There is hereby established the computer science educator program to promote the advancement of computer science licensed and preservice teacher preparation in Kansas.

(b) Subject to appropriations therefor, the state board of regents may award scholarships to licensed and preservice teachers who:

(1) Are enrolled in a course of instruction offered by a postsecondary educational institution that:

(A) For licensed teachers, is for additional postsecondary credit; or

(B) for preservice teachers, is leading to licensure as a teacher; and

(2) have completed one course in computer science during such enrollment.

(c) Scholarships awarded under the program shall be in an amount not to exceed $1,000 for each scholarship recipient. The state board of regents shall prioritize scholarship awards for applicants who:

(1) Are from underrepresented socioeconomic demographic groups; or

(2) agree to teach computer science in rural schools and schools with higher percentages of students from underrepresented socioeconomic demographic groups.

(d) The state board of regents may coordinate with postsecondary educational institutions to support eligible preservice education programs at such institutions with the development and implementation of pathways in computer science education to help preservice teachers obtain a certification to teach computer science education within their intended major and area of certification.

(e) The state board of regents shall adopt rules and regulations necessary to implement and administer the computer science educator program, including, but not limited to, requirements for scholarship eligibility and applications for such scholarships.

(f) As used in this section, the term "postsecondary educational institution" means any state educational institution, community college or not-for-profit institution of postsecondary education. A not-for-profit institution of postsecondary education shall have its main campus or principal place of operation in Kansas, be operated independently and not controlled or administered by any state agency or subdivision of the state, maintain open enrollment and be accredited by a nationally recognized accrediting agency for higher education in the United States.

New Sec. 6. (a) To determine the needs for secondary career technical education credentialing and student transitioning to employment success, the state department of education shall conduct a survey of the scope of high-value credential courses and standard career and technical education courses offered for students enrolled in each public high school. The survey shall determine the following:

(1) The career and technical education pathway courses offered for high school credit;

(2) the concurrent enrollment partnership and dual enrollment courses offered for high school and college credit;

(3) the concurrent enrollment partnership or dual enrollment courses that are offered by the high school and community college or technical college;

(4) the career and technical education courses that are offered by the high school that will not lead to credentialing;

(5) the number of students with documented accommodations who are not enrolled in a gifted program;

(6) the first-time pass rate of students who have earned approved standard career and technical education credentials in the prior three years;

(7) the first-time pass rate of students that have earned approved high-value credentials in the prior three years;

(8) the credentials earned in the prior three years and the number of students who earned such credentials; and

(9) the amount paid by the school district for students to take credential exams.

(b) The state department of education shall compile the results of the survey and shall report such results to the house standing committee on education and the senate standing committee on education on or before January 16, 2023.

New Sec. 7. (a) On or before July 31, 2023, and each July 31 thereafter, the state board of education shall review and approve a list of high-value industry-recognized credentials and a list of standard industry-recognized credentials.

(b) Such lists shall be prepared by a committee established by the state board of education that includes representatives from the association of community college trustees, the Kansas technical education authority, the Kansas technical college association and the Kansas association of school boards.

New Sec. 8. The state board of education shall establish a secondary career technical education credentialing and student transitioning to employment success pilot program for the 2022-2023 school year for high school students with documented accommodations, other than enrollment in a gifted program, who are enrolled in participating high schools that are served by the Washburn institute of technology service area. Such pilot program shall provide the following stipends and reimbursements to the following educational entities:

(a) The Washburn institute of technology, as defined in K.S.A. 74-3201b, and amendments thereto, shall receive a $20,000 stipend for additional counseling services for participating students and additional coordination services with participating high schools;

(b) each participating high school within the Washburn institute of technology service area shall receive a $500 stipend for additional student

counseling services and coordination with the Washburn institute of technology; and

(c) each participating high school within the Washburn institute of technology service area shall be reimbursed for the total cost of the assessment for any participating student that takes a credential assessment.

New Sec. 9. A preliminary report from participating school districts and representatives from the Washburn institute of technology shall be presented to the house standing committee on education and the senate standing committee on education on or before February 1, 2023. Such report shall include, but not be limited to, the career technical areas of study pursued, accommodations required for student participation, unanticipated obstacles for course enrollment or completion, barriers for student participation and future funding needs. Such report shall serve as the foundation for determining whether to expand the pilot program to other regions of the state, the amount of funding required to expand the pilot program and how to address barriers that impact student participation.

Sec. 10. K.S.A. 72-6332 is hereby amended to read as follows: 72-6332. As used in K.S.A. 72-6331 through 72-6334, and amendments thereto:

(a) "Educational purposes" means purposes that are directed by an employee or agent of a school district, that customarily take place at an attendance center operated by a school district or that aid in the administration of school activities, including, but not limited to, instruction in the classroom or at home, administrative activities and collaboration between students, school personnel or parents, or which are otherwise for the use and benefit of the school district.

(b) "Interactive computer service" means any service, system or software provider that provides or enables multiple users access to a computer server, including a service or system that provides access to the internet and systems or services offered by libraries or educational institutions.

(c) "Educational online product" means an internet website, online service, online application or mobile application that is used primarily, and was designed and marketed for, educational purposes.

(d) *(1)* "Operator" means, to the extent it is operating in this capacity, the operator of an educational online product with actual knowledge that the educational online product is used primarily for educational purposes and was designed and marketed for educational purposes. ~~For the purposes of this act,~~

(2) The term "operator" ~~shall not be construed to~~ *does not* include:

(A) Any school district or school district employee acting on behalf of a school district employer*; or*

(B) any national assessment provider that is administering a college and career readiness assessment.

(e) "Personally identifiable information" means information that personally identifies an individual student or that is linked to information that personally identifies an individual student, including, but not limited to: (1) Information in the student's educational record or electronic mail; (2) first and last name; (3) home address; (4) telephone number; (5) electronic mail address; (6) any other information that allows physical or online contact with the student; (7) discipline records; (8) test results; (9) data that is a part of or related to any individualized education program for such student; (10) juvenile dependency records; (11) grades; (12) evaluations; (13) criminal records; (14) medical records; (15) health records; (16) social security number; (17) biometric information; (18) disabilities; (19) socioeconomic information; (20) food purchases; (21) political affiliations; (22) religious information; (23) text messages; (24) documents; (25) student identifiers; (26) search activity; (27) photos; (28) voice recordings; or (29) geolocation information.

(f) "School district" means any unified school district organized and operating under the laws of this state.

(g) "Service provider" means a person or entity that provides a service to an operator, or provides a service that enables users to access content, information, electronic mail or other services offered over the internet or a computer network.

(h) "Student information" means personally identifiable information or material in any media or format that is not otherwise available to the public and was:

(1) Created by an operator in the course of the use of the operator's educational online product for educational purposes;

(2) provided to an operator by a student, or the student's parent or legal guardian, in the course of the use of the operator's educational online product for educational purposes;

(3) created by an operator as a result of the activities of an employee or agent of a school district;

(4) provided to an operator by an employee or agent of a school district for educational purposes; or

(5) gathered by an operator through the operation of such operator's educational online product for educational purposes.

(i) "Targeted advertising" means presenting an advertisement to a student where the advertisement is selected based on information obtained or inferred over time from that student's online behavior, usage of online applications or student information. Targeted advertising does not include advertising to a student at an online location based upon that student's current visit to that location, or in response to that student's request for information or feedback, without the retention of that student's online activities or requests over time for the purpose of targeting subsequent ~~ads~~ *advertisements*.

Sec. 11. K.S.A. 72-6332 is hereby repealed.

Sec. 12. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 9, 2022.

CHAPTER 87

Senate Substitute for HOUSE BILL No. 2138

AN ACT concerning elections; relating to county election officers and employees; requiring the secretary of state to develop an affidavit system for transfers of ballots; exempting county election office employees from certain election crimes; requiring precinct level election results be electronically provided; relating to voting systems and procedures; requiring voter-verified paper ballots with a distinctive watermark; defining and authorizing use of electronic poll books; prohibiting electronic and electromechanical voting systems from being connected to the internet or other communications networks; requiring audits of election procedures and records of certain counties and of close federal, statewide or state legislative races; requiring a county election officer to send a confirmation notice to a voter if the voter has no election-related activity for a four-calendar year period; amending K.S.A. 25-1124, 25-2316c, 25-2430, 25-2437, 25-3009, 25-3206, 25-4401, 25-4402, 25-4403, 25-4404, 25-4405, 25-4406, 25-4407, 25-4408, 25-4409, 25-4411, 25-4414, 25-4415, 25-4610 and 25-4613 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) The secretary of state, in consultation with county election officers, shall develop an affidavit system to be utilized for the transfer of ballots. Each person who transfers ballots for a county election office shall be required to sign an affidavit listing, if applicable, the:

(1) Number of blank ballots;
(2) number of spoiled ballots;
(3) number of provisional ballots;
(4) number of counted ballots;
(5) number of advanced ballots in envelopes;
(6) name of the person to whom such ballots were delivered; and
(7) location of where the ballots were delivered.

(b) The affidavit system developed under this section shall apply to all ballots delivered, collected and transferred by county election offices prior to, on and after the date of an election and shall operate in conjunction with the provisions of K.S.A. 25-2707, 25-2708 and 25-2709, and amendments thereto, regarding transporting, preserving and destroying ballots and election records.

(c) (1) It shall be a violation of this section to alter any information provided in an affidavit or provide false information in an affidavit with the intent to hinder, prevent or defeat a fair election.

(2) A violation of this section is a severity level 9, nonperson felony.

New Sec. 2. (a) In the calendar year following the general election of an even-numbered year, the secretary of state shall conduct in four counties an audit of the procedures used for election administration and election records for the elections held during the previous two calendar years.

(b) The secretary of state shall select the counties to be audited at random, except that:

(1) One of the counties selected shall have a voting age population of more than 90,000;

(2) one of the counties selected shall have a voting age population of more than 20,000 but less than 90,000;

(3) two of the counties selected shall have a voting age population of less than 20,000; and

(4) voting age population shall be set by the most recent federal decennial census.

(c) The secretary of state shall adopt rules and regulations necessary to implement this section including enumerating the specific records and procedures to be examined.

New Sec. 3. (a) (1) (A) All voting systems used for elections in this state held on or after January 1, 2024, shall require the use of an individual, durable, voter-verified paper ballot with a distinctive watermark established by the secretary of state. The voter's ballot shall be:

(i) Marked by the voter, or by a person assisting the voter as otherwise permitted by law, either by hand or by use of a voting machine that is a non-tabulating paper ballot marking or printing device or system that may be electromechanical or electronic;

(ii) made available to the voter for inspection and verification by the voter after the voter has marked the ballot but before the voter's vote is cast and counted, that may be spoiled by the voter if it fails to reflect the voter's choices and that permits the voter to cast a new paper ballot; and

(iii) canvassed by hand or read and tabulated by vote-tabulating equipment consisting of optical scanning equipment or other counting equipment that counts and tabulates paper ballots.

(B) The voting system shall provide the voter with an opportunity to correct any error on the paper ballot before the paper ballot is secured and preserved.

(2) The voting system shall not preserve the paper ballots in any manner that makes it possible, at any time after the ballot has been cast, to associate a voter with the record of the voter's vote without the voter's consent.

(3) The paper ballot shall constitute the official ballot and shall be preserved and used as the official ballot suitable for purposes of any audit or recount conducted with respect to any election in which the voting system is used. Each paper ballot shall be counted by hand in any recount conducted with respect to any election, unless the requestor of a recount pursuant to K.S.A. 25-3107, and amendments thereto, elects not to have the ballots counted by hand.

(4) In the event of any inconsistencies or irregularities between any electronic vote tallies and the vote tallies determined by counting by hand the paper ballots cast, the paper ballots as counted by hand shall be the true and correct record of the votes cast.

(b) The use of poll books not requiring a hand-written signature shall be prohibited.

(c) On or before January 1, 2023, the secretary of state shall adopt rules and regulations to implement the provisions of this section.

Sec. 4. K.S.A. 25-1124 is hereby amended to read as follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter shall cast such voter's vote as follows: The voter shall make a cross or check mark in the square or parentheses opposite the name of each candidate or question for whom the voter desires to vote. The voter shall make no other mark, and shall allow no other person to make any mark, upon such ballot. If the advance voting ballot was transmitted by mail, the voter personally shall place the ballot in the ballot envelope bearing the same number as the ballot and seal the envelope. The voter shall complete the form on the ballot envelope and shall sign the same. Except as provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope shall be mailed or otherwise transmitted to the county election officer. If the advance voting ballot was transmitted to the voter in person in the office of the county election officer or at a satellite advance voting site, the voter may deposit such ballot into a locked ballot box without an envelope.

(b) The county election officer shall attempt to contact each person who submits an advance voting ballot where there is no signature or where the signature does not match with the signature on file and allow such voter the opportunity to correct the deficiency before the commencement of the final county canvass.

(c) Any voter who has an illness or physical disability or who is not proficient in reading the English language and is unable to apply for or mark or transmit an advance voting ballot, or any voter who has a disability preventing the voter from signing an application or the form on the ballot envelope, may request assistance by a person who has signed a statement required by subsection (e) in applying for or marking an advance voting ballot, or in signing an application or the form on the ballot envelope if the voter has a disability preventing the voter from signing.

(d) Any voted ballot may be transmitted to the county election officer by the voter. Subject to the provisions of K.S.A. 25-2437, and amendments thereto, a voted ballot may be transmitted by another person designated in writing by the voter as provided in K.S.A. 25-2437, and amendments thereto, except if the voter has a disability preventing the voter from writing and signing a statement, the written and signed statement required by subsection (e) shall be sufficient. Any such voted ballot shall be transmitted to the county election officer before the close of the polls on election day.

(e) The county election officer shall allow a person to assist a voter who has an illness or physical disability or who is not proficient in reading the English language in applying for or marking an application or advance

voting ballot, or to sign for a voter who has a disability preventing the voter from signing an application or advance voting ballot form, provided a written statement is signed by the person who renders assistance to the voter who has an illness or physical disability or who is not proficient in reading the English language and such statement is submitted to the county election officer with the application or ballot. The statement shall be on a form prescribed by the secretary of state and shall contain a statement from the person providing assistance that the person has not exercised undue influence on the voting decision of the voter who has an illness or physical disability or who is not proficient in reading the English language and that the person providing assistance has completed the application, marked the ballot, or signed the application or ballot form as instructed by the voter.

(f) Any person assisting a voter who has an illness or physical disability or who is not proficient in reading the English language in applying for or marking an advance voting ballot, or in signing an application or advance voting ballot form for a voter who has a disability preventing the voter from signing the application or advance voting ballot form, who knowingly fails to sign and submit the statement required by this section or who exercises undue influence on the voting decision of such voter shall be guilty of a severity level 9, nonperson felony.

(g) (1) No person who is a candidate for office shall assist any voter in marking an advance voting ballot or in signing an advance voting ballot form pursuant to this section.

(2) It shall not be a violation of this subsection for*:*

(A) The secretary of state, any election official or ~~any~~ county election ~~office~~ *officer* to assist a voter while engaged in the performance of the duties of such office*; or*

(B) any candidate for office employed by a county election office to assist a voter while engaged in the performance of the duties of such employee, unless the employee appears as a candidate for office on the advance voting ballot for which such candidate is providing assistance.

(3) *For purposes of this subsection, the term "candidate for office" means an individual who has declared such individual's candidacy pursuant to K.S.A. 25-205 et seq., and amendments thereto, or has been nominated for elected office pursuant to K.S.A. 25-301 et seq., and amendments thereto, in the election for which the voter applied for an advance voting ballot.*

(4) A violation of this subsection is a class C misdemeanor.

(h) Subject to the provisions of subsection (b), no county election officer shall accept an advance voting ballot transmitted by mail unless the county election officer verifies that the signature of the person on the advance voting ballot envelope matches the signature on file in the county voter registration records, except that verification of the voter's signature

shall not be required if a voter has a disability preventing the voter from signing the ballot or preventing the voter from having a signature consistent with such voter's registration form. Signature verification may occur by electronic device or by human inspection. In the event that the signature of a person on the advance voting ballot envelope does not match the signature on file in the county voter registration records, the ballot shall not be counted.

Sec. 5. K.S.A. 25-2316c is hereby amended to read as follows: 25-2316c. (a) When a registered voter changes name by marriage, divorce or legal proceeding, if ~~such~~ *the* voter is otherwise qualified to vote at such voting place ~~such~~ *the* voter shall be allowed to vote a provisional ballot at any election, or apply for an advance voting ballot, on the condition that ~~such~~ *the* voter first completes the application for registration prescribed by K.S.A. 25-2309, and amendments thereto. Completion of the application shall authorize the county election officer to update the registration records, if appropriate, for voting in future elections. The county election officer shall send, by nonforwardable mail, a notice of disposition to any voter completing such application.

(b) When a registered voter changes residence, ~~such~~ *the* voter shall reregister in order to be eligible to vote, except that when a registrant has moved from an address on the registration book to another address within the county and has not reregistered, ~~such~~ *the* registrant shall be allowed to vote a provisional ballot at any election, or to apply for an advance voting ballot, on the condition that ~~such~~ *the* registrant first completes the application for registration prescribed by K.S.A. 25-2309, and amendments thereto. Completion of the application shall authorize the county election officer to update the registration record, if appropriate, for voting in future elections. The county election officer shall send, by nonforwardable mail, a notice of disposition to any such voter. Whenever the county election officer receives from any other election officer a notice of registration of a voter in a different place than that shown in the records of the county election officer, ~~such~~ *the* officer shall remove the name of ~~such~~ *the* voter from the registration book and party affiliation list.

(c) Every application for registration completed under this section shall be returned to the county election officer with the registration books.

(d) A registrant shall not be removed from the registration list on the ground that the registrant has changed residence unless the registrant:

(1) Confirms in writing that the registrant has moved outside the county in which the registrant is registered, or registers to vote in any other jurisdiction; or

(2) *(A) (i)* has failed to respond to the notice described in subsection (e)~~(4)~~ *(1) through (e)(4); or (ii) the notice described in subsection (e)(5) is returned as undeliverable;* and *(B)* has not appeared to vote in an election

during the period beginning on the date of the notice and ending on the day after the date of the second federal general election that occurs after the date of the notice.

(e) A county election officer shall send a confirmation notice upon which a registrant may state such registrant's current address, within 45 days of the following events:

(1) A notice of disposition of an application for voter registration is returned as undeliverable;

(2) change of address information supplied by the national change of address program identifies a registrant whose address may have changed;

(3) if it appears from information provided by the postal service that a registrant has moved to a different residence address in the county in which the registrant is currently registered; ~~or~~

(4) if it appears from information provided by the postal service that a registrant has moved to a different residence address outside the county in which the registrant is currently registered*; or*

(5) if the registrant has no election-related activity for any four-calendar year period. No election-related activity means that the elector has not voted, attempted to vote, requested or submitted an advance ballot application, filed an updated voter registration card, signed a petition, which is required by law to be verified by the county election officer or the secretary of state, or responded to any official election mailing transmitted by the county election office.

The confirmation notice shall be sent by forwardable mail and shall include a postage prepaid and preaddressed return card in a form prescribed by the chief state election official.

(f) Except as otherwise provided by law, when a voter dies or is disqualified for voting, the registration of the voter shall be void, and the county election officer shall remove such voter's name from the registration books and the party affiliation lists. Whenever (1) an obituary notice appears in a newspaper having general circulation in the county reports the death of a registered voter, or (2) a registered voter requests in writing that such voter's name be removed from registration, or (3) a court of competent jurisdiction orders removal of the name of a registered voter from registration lists, or (4) the name of a registered voter appears on a list of deceased residents compiled by the secretary of health and environment as provided in K.S.A. 65-2422, and amendments thereto, or appears on a copy of a death certificate provided by the secretary of health and environment, or appears in information provided by the social security administration, the county election officer shall remove from the registration books and the party affiliation lists in such officer's office the name of any person shown by such list or death certificate to be deceased. The county election officer shall not use or permit the use

of such lists of deceased residents or copies for any other purpose than provided in this section.

(g) When the chief state election official receives written notice of a felony conviction in a United States district court, such official shall notify within five days the county election officer of the jurisdiction in which the offender resides. Upon notification of a felony conviction from the chief state election official, or from a county or district attorney or a Kansas district court, the county election officer shall remove the name of the offender from the registration records.

(h) Except as otherwise provided in this section, no person whose name has been removed from the registration books shall be entitled to vote until such person has registered again.

Sec. 6. K.S.A. 25-2437 is hereby amended to read as follows: 25-2437. (a) No person shall knowingly transmit or deliver an advance voting ballot to the county election officer or polling place on behalf of a voter who is not such person, unless the person submits a written statement accompanying the ballot at the time of ballot delivery to the county election officer or polling place as provided in this section. Any written statement shall be transmitted or signed by both the voter and the person transmitting or delivering such ballot and shall be delivered only by such person. The statement shall be on a form prescribed by the secretary of state and shall contain:

(1) A sworn statement from the person transmitting or delivering such ballot affirming that such person has not:

(A) Exercised undue influence on the voting decision of the voter; or

(B) transmitted or delivered more than 10 advance voting ballots on behalf of other persons during the election in which the ballot is being cast; and

(2) a sworn statement by the voter affirming that:

(A) The voter has authorized such person to transmit or deliver the voter's ballot to a county election officer or polling place; and

(B) such person has not exercised undue influence on the voting decision of the voter.

(b) *(1)* No candidate for office shall knowingly transmit or deliver an advance voting ballot to the county election officer or polling place on behalf of a voter who is not such person, except on behalf of an immediate family member of such candidate.

(2) For purposes of this subsection, the term "candidate for office" means an individual who has declared such individual's candidacy pursuant to K.S.A. 25-205 et seq., and amendments thereto, or has been nominated for elected office pursuant to K.S.A. 25-301 et seq., and amendments thereto, in the election for which the voter applied for an advance voting ballot.

(c) No person shall transmit or deliver more than 10 advance voting ballots on behalf of other voters during an election.

(d) (1) A violation of subsection (a) or (b) is a severity level 9, nonperson felony.

(2) A violation of subsection (c) is a class B misdemeanor.

Sec. 7. K.S.A. 25-2430 is hereby amended to read as follows: 25-2430. (a) (1) Electioneering is:

(A) Knowingly attempting to persuade or influence eligible voters to vote for or against a particular candidate, party or question submitted, including wearing, exhibiting or distributing labels, signs, posters, stickers or other materials that clearly identify a candidate in the election or clearly indicate support or opposition to a question submitted election within any polling place on election day or advance voting site during the time period allowed by law for casting a ballot by advance voting or within a radius of 250 feet from the entrance thereof; or

(B) if committed by a candidate:

(i) Touching or handling any voter's ballot during the voting process;

(ii) distributing ballots or counting ballots;

(iii) hindering or obstructing any voter from voting or from entering and leaving the polling place; or

(iv) hindering or obstructing any election board worker from performing election duties.

(2) Electioneering shall not include bumper stickers affixed to a motor vehicle that is used to transport voters to a polling place or to an advance voting site for the purpose of voting.

(b) The provisions of subsection (a)(1)(B) shall not apply to:

(1) The secretary of state ~~or~~, any election official or *any* county election ~~office~~ *officer*; ~~or~~

(2) *a candidate for precinct committeeman or committeewoman who is employed by a county election office and is engaged in the performance of such employee's duties;*

(3) a candidate for any office not specified in paragraphs (1) or (2) who is employed by a county election office and is engaged in the performance of such employee's duties, if such employee does not appear as a candidate for office on any ballot such employee touches, handles, distributes or counts; or

(4) a candidate transmitting or delivering an advance voting ballot in accordance with K.S.A. 25-2437(b), and amendments thereto.

(c) As used in this section~~,~~*:*

(1) "Advance voting site" means the central county election office or satellite advance voting sites designated as such pursuant to K.S.A. 25-1122(c), and amendments thereto, and adult care homes and hospital based care units at the time of an election participating in the voting procedures prescribed in K.S.A. 25-2812, and amendments thereto*; and*

(2) "candidate" means an individual who has declared such individual's candidacy pursuant to K.S.A. 25-205 et seq., and amendments thereto, or has been nominated for elected office pursuant to K.S.A. 25-301 et seq., and amendments thereto, in the election for which the individual is charged with having violated the provisions of this section.

(d) Electioneering is a class C misdemeanor.

Sec. 8. K.S.A. 25-3009 is hereby amended to read as follows: 25-3009. (a) After an election and prior to the meeting of the county board of canvassers to certify the official election results for any election in which the canvassers certify the results, the county election officer shall conduct a manual audit or tally of each vote cast, regardless of the method of voting, in 1% of all precincts, with a minimum of one precinct located within the county. The precinct or precincts shall be randomly selected and the selection shall take place after the election.

(b) (1) The audit shall be performed manually and shall review all paper ballots selected pursuant to subsection (a). The audit shall be performed by a sworn election board consisting of bipartisan trained board members. The county election officer ~~will~~ *shall* determine the members of the sworn election board who will conduct the audit.

(2) The audit ~~will~~ *shall* review contested races as follows:

(A) In presidential election years:

(i) One federal race;

(ii) one state legislative race; and

(iii) one county race.

(B) In ~~even numbered~~ *even-numbered,* non-presidential election years:

(i) One federal race;

(ii) one statewide race;

(iii) one state legislative race; and

(iv) one county race.

(C) *In even-numbered election years, any federal, statewide or state legislative race that is within 1% of the total number of votes cast tallied on election night, as determined by the secretary of state, shall be audited. The county election officer shall conduct the audit in the manner set forth in subsection (a) in 10% of all county precincts in the specified race, with a minimum of one precinct in the county. The precincts audited pursuant to this subsection shall be in addition to the precincts audited under subsections (2)(A) and (B).*

(D) In odd-numbered election years, two local races will be randomly selected, and the selection shall take place after the election.

(c) At least five days prior to the audit, notice of the time and location of the audit shall be provided to the public on the official county website. The audit shall be conducted in a public setting. Any candidate

or entity who is authorized to appoint a poll agent may appoint a poll agent for the audit.

(d) The results of the audit shall be compared to the unofficial election night returns and a report shall be submitted to the county election office and to the secretary of state's office prior to the meeting of the county board of canvassers. If a discrepancy is reported between the audit and the unofficial returns and cannot be resolved, the county election officer or the secretary of state may require audits of additional precincts. Once the audit has been completed, the results of the audit shall be used by the county board of canvassers when certifying the official election results.

(e) *Upon publication of the notice of the audit pursuant to subsection (c), the signed and certified official abstracts required by K.S.A. 25-3006, and amendments thereto, shall be made available by the county election office for review by any authorized poll agent. Such abstracts shall be from all precincts and shall not be limited to those precincts that are subject to the audit. The abstracts shall be available for review until commencement of the original canvass.*

(f) The secretary of state shall adopt rules and regulations governing the conduct and procedure of the audit, including the random selection of the precincts and offices involved in the audit.

~~(f) The provisions of this section shall apply to all counties for elections that take place after January 1, 2019.~~

Sec. 9. K.S.A. 25-3206 is hereby amended to read as follows: 25-3206. (a) The state board of canvassers shall make the final canvass of national and state primary and general elections. The board shall also make the final canvass of elections upon constitutional amendments and all questions submitted to election on a statewide basis, including questions on retention in office of justices of the supreme court, judges of the court of appeals and judges of the district court.

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

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

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

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

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

(g) Each county election officer shall provide precinct level election results electronically in machine-readable format for all federal offices, statewide offices, legislative offices and local offices not later than 30 days after the final canvass of the general election results.

Sec. 10. K.S.A. 25-4401 is hereby amended to read as follows: 25-4401. As used in this act unless the context otherwise requires:

(a) "Ballot" may include an electronic display or printed document containing the offices and questions on which voters in a specified voting area are eligible to vote.

(b) "Counting location" means the location in the county selected by the county election officer for the counting of ballots.

(c) "Electronic or electromechanical voting system" means a system of casting votes and tabulating ballots employing automatic tabulating equipment or data processing equipment including a direct recording electronic system.

(d) "Direct recording electronic system" means a system that records votes by means of a ballot display provided with mechanical or electro-optical components that can be activated by the voter, that processes data by means of a computer program, that records voting data and ballot images in memory components, that produces a tabulation of the voting data stored in a removable memory component and as printed copy, and that may also provide a means for transmitting individual ballots or vote totals to a central location for consolidating and reporting results from precincts at the central location.

(e) "Electronic poll book" means an electronic list of registered voters for a particular precinct or polling location that may be transported to a polling location and on which each voter may sign the voter's signature. "Electronic poll book" includes both the hardware and software necessary for operation. An "electronic poll book" is a type of "poll book" as provided

in K.S.A. 25-2507, and amendments thereto. "Electronic poll book" does not include automatic tabulating equipment or data processing equipment, including a direct recording electronic system, that are components of an electronic or electromechanical voting system.

Sec. 11. K.S.A. 25-4402 is hereby amended to read as follows: 25-4402. Subject to the limitations of article 44 of chapter 25 of Kansas Statutes Annotated, and amendments thereto, the board of county commissioners and the county election officer of any county are authorized to purchase, lease or rent and use electronic or electromechanical voting systems *or electronic poll books* as provided by K.S.A. 25-4403, and amendments thereto.

Sec. 12. K.S.A. 25-4403 is hereby amended to read as follows: 25-4403. (a) The board of county commissioners and the county election officer of any county may provide an electronic or electromechanical voting system *or electronic poll books* to be used at voting places, or for advance voting in the county at national, state, county, township, city and school primary and general elections and in question submitted elections.

(b) The board of county commissioners of any county in which the board of county commissioners and county election officer have determined that an electronic or electromechanical voting system *or electronic poll books* shall be used may issue bonds to finance and pay for purchase, lease or rental of such a system.

(c) The board of county commissioners and the county election officer of any county may adopt, experiment with or abandon any electronic or electromechanical system *or electronic poll books* herein authorized and approved for use in the state and may use such a system in all or any part of the voting areas within the county or in combination with an optical scanning voting system or with regular paper ballots. Whenever the secretary of state rescinds approval of any voting system *or electronic poll books*, the board of county commissioners and the county election officer shall abandon the system *or electronic poll books* until changes therein required by the secretary of state have been made, or if the secretary of state advises that acceptable changes cannot be made therein, the abandonment shall be permanent.

(d) On and after the effective date of this act, no board of county commissioners in any county may purchase, lease or rent any direct recording electronic system, as defined in K.S.A. 25-4401(d), and amendments thereto. On and after the effective date of this act, no board of county commissioners in any county may purchase, lease or rent any electronic or electromechanical voting system, unless such system:

(1) Provides a paper record of each vote cast, produced at the time the vote is cast; and

(2) has the ability to be tested both before an election and prior to the date of canvass. Such test shall include the ability to match the paper record of the machine to the vote total contained in the machine.

(e) No component of an electronic or electromechanical voting system shall have the capability to be connected to the internet or to any other communications or computer network, including, but not limited to, a local area network, wireless network, cellular network or satellite network, or to use bluetooth or any other wireless communications technology.

(f) On and after July 1, 2022, no board of county commissioners or the county election officer of any county may purchase, lease or rent any electronic poll books unless the kind or make of such poll books have been certified by the secretary of state. No electronic poll book may be operated unless its network connectivity meets the security standards established by the secretary of state.

Sec. 13. K.S.A. 25-4404 is hereby amended to read as follows: 25-4404. The secretary of state shall examine and approve the kinds or makes of electronic or electromechanical voting systems, including operating systems, firmware and software*, and electronic poll books*, and no kind or make of such system *or electronic poll book* shall be used at any election unless and until it receives certification by the secretary of state and a statement thereof is filed in the office of the secretary of state.

Sec. 14. K.S.A. 25-4405 is hereby amended to read as follows: 25-4405. (a) Any person, firm or corporation desiring to sell any kind or make of electronic or electromechanical voting system *or electronic poll book* to political subdivisions in Kansas may in writing request the secretary of state to examine the kind or make of the system which it desires to sell and shall accompany the request with a certified check in the sum of $250 payable to the secretary of state to be used to defray a portion of the costs of such examination, and shall furnish at its own expense such system to the secretary of state for use in examining such system. The secretary of state may require such person, firm or corporation to furnish a competent person to explain the system *or electronic poll book* and demonstrate by the operation of such system *or electronic poll book* that it complies with *any applicable* state and federal laws *and regulations*. The secretary of state may employ a competent person or persons to assist in the examination and to advise the secretary as to the sufficiency of such ~~machine~~ *voting system or electronic poll book* and to pay such persons reasonable compensation therefor. The costs of employment and any other costs associated with the approval of such system shall be paid by the applicant.

(b) The secretary of state may require a review of any theretofore approved electronic or electromechanical voting system *or electronic poll book* and the equipment and operation thereof. Such review shall be commenced by the secretary of state giving written notice thereof to the

person, firm or corporation which sought approval of the *voting* system *or electronic poll book* and to each county election officer and county commissioner of counties known to have purchased, leased or rented any such *voting* system *or electronic poll book* or equipment thereof. Such notice shall fix a time and place of hearing at which those persons wishing to be heard may appear and give oral or written testimony and explanation of the *voting* system *or electronic poll book*, its equipment and operation and experience had therewith. After such hearing date and after such review as the secretary of state deems appropriate, the secretary of state may renew approval of the *voting* system *or electronic poll book*, require changes therein for continued approval thereof or rescind approval previously given on either a conditioned or permanent basis.

(c) The secretary of state may appoint persons to assist county election officers or county commissioners in the testing of any electronic or electromechanical voting system *or electronic poll book* and its equipment or the programs of such system *or electronic poll book*.

Sec. 15. K.S.A. 25-4406 is hereby amended to read as follows: 25-4406. Electronic or electromechanical voting systems approved by the secretary of state:

(a) Shall provide for voting for the candidates for nomination or election of all political parties officially recognized pursuant to K.S.A. 25-302a, and amendments thereto;

(b) shall permit a voter to vote for any independent candidate for any office;

(c) shall provide for voting on constitutional amendments or other questions submitted;

(d) shall be so constructed that, as to primaries where candidates are nominated by political parties, the voter can vote only for the candidates for whom the voter is qualified to vote according to articles 2 and 33 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

(e) shall afford the voter an opportunity to vote for any or all candidates for an office for whom the voter is by law entitled to vote and no more, and at the same time shall prevent the voter from voting for the same candidate twice for the same office;

(f) shall be so constructed that in presidential elections the presidential electors of any political party may be voted for by one action;

(g) shall provide for "write-in" votes;

(h) shall provide for voting in absolute secrecy, except as to persons who request assistance due to temporary illness or disability or a lack of proficiency in reading the English language;

(i) shall reject all votes for an office or upon a question submitted when the voter has cast more votes for such office or upon such question than the voter is entitled to cast;

(j) shall provide for instruction of voters on the operation of voting machines, illustrating the manner of voting by the use of such systems. The instruction may include printed materials or demonstration by election board workers;

(k) shall provide a paper record of each vote cast, produced at the time the vote is cast;

(l) shall have the ability to be tested both before an election and prior to the date of canvass. The test shall include the ability to match the paper records of such machines to the vote totals contained in the machines; ~~and~~

(m) shall meet the requirements of the help America vote act of 2002 and other federal statutes and regulations governing voting equipment*; and*

(n) shall not have the capability nor shall any component of an electronic or electromechanical voting system have the capability to be connected to the internet or to any other communications or computer network, including, but not limited to, a local area network, wireless network, cellular network or satellite network, or to use bluetooth or any other wireless communications technology.

Sec. 16. K.S.A. 25-4407 is hereby amended to read as follows: 25-4407. (a) When a board of commissioners and county election officer have determined that such ~~a~~ *kind or make of electronic or electromechanical* voting system *or electronic poll book* shall be used in a county, the board of county commissioners and the county election officer shall provide such number of units as shall be necessary to equip voting places for the use of voters.

(b) No tax shall be levied under this section, nor shall any moneys be paid from any fund under authority of this section for any contract to purchase, lease or rent any electronic or electromechanical voting system or equipment thereof *or electronic poll books*, if approval of such *voting* system or equipment *or kind or make of electronic poll book* has been rescinded by the secretary of state.

(c) The secretary of state may purchase, rent or lease voting equipment only for the purpose of providing such equipment to counties pursuant to the provisions of the help America vote act of 2002.

Sec. 17. K.S.A. 25-4408 is hereby amended to read as follows: 25-4408. The board of county commissioners shall provide for the storage of electronic or electromechanical voting systems *and electronic poll books*. The county election officer shall be in complete charge of the *voting* systems *and electronic poll books*, their safekeeping when not in use and keeping them in repair and working order and shall see that they are delivered to the voting places in time for all arrangements to be made and for the *voting* systems *and electronic poll books* to be ready for use at the hour of opening the polls. After the election the county election officer shall see that the *voting* systems *and electronic poll books* are returned to the place of storage, or are secured for on-site storage.

Sec. 18. K.S.A. 25-4409 is hereby amended to read as follows: 25-4409. (a) The ballot information, shall, as far as practicable, be in the order of arrangement provided for paper ballots except that such information may be in vertical or horizontal rows, or in a number of separate pages. Voting squares or ovals may be before or after the names of candidates and statements of questions, and shall be of such size as is compatible with the type of system used. Ballot information shall be displayed in as plain clear type and size as the ballot spaces will reasonably permit. Where candidate rotation is used, the voting equipment shall be capable of meeting the requirements otherwise provided in law.

(b) Before the opening of the polls the election judges shall compare the ballots with the sample ballots furnished, and see that the ballot information thereon agrees and shall certify thereto on forms provided for this purpose. The certification shall be filed with the election returns.

(c) Before, during and after the operation of the polling place, the election judges shall make all electronic or electromechanical voting systems and vote tabulating equipment available to any candidate or any authorized poll agent for review to ensure there is no connectivity to the internet or to any other communications or computer network, including, but not limited to, a local area network, wireless network, cellular network or satellite network, or using bluetooth or any other wireless communications technology.

Sec. 19. K.S.A. 25-4411 is hereby amended to read as follows: 25-4411. (a) The vote tabulation equipment may be located at any place within the county approved by the county election officer.

(b) Within five days prior to the date of the election, the county election officer shall have the automatic tabulating equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all questions submitted. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in a newspaper of general circulation in the county or city where such equipment is to be used *and on the county website, if the county has a website*. The test shall be open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated *within five business days* after the completion of the canvass. The equipment, programs and ballots shall be secured and retained by the county election officer.

Sec. 20. K.S.A. 25-4414 is hereby amended to read as follows: 25-4414. Electronic or electromechanical voting system *or electronic poll book* fraud is:

(a) Being in unlawful or unauthorized possession of *electronic or electromechanical* voting *system* equipment, *electronic poll book equipment,* computer programs, operating systems, firmware, software or ballots; or

(b) intentionally tampering with, altering, disarranging, defacing, impairing or destroying any electronic or electromechanical *voting* system, *electronic poll book* or component part thereof, or any ballot used by such *electronic or electromechanical voting* systems.

Electronic or electromechanical voting system *or electronic poll book* fraud is a severity level 9, nonperson felony.

Sec. 21. K.S.A. 25-4415 is hereby amended to read as follows: 25-4415. The secretary of state may adopt rules and regulations:

(a) For the use of electronic and electromechanical voting systems to count votes under the election laws of this state;~~ and~~

(b) *for the use of electronic poll books to process voters at polling places; and*

(c) necessary for the administration of this act.

Sec. 22. K.S.A. 25-4610 is hereby amended to read as follows: 25-4610. (a) The optical scanning equipment may be located at any place within the county approved by the county election officer.

(b) Within five days prior to the date of the election, the county election officer shall have the optical scanning equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all questions submitted. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in a newspaper of general circulation in the county where such equipment is to be used *and on the county website, if the county has a website*. The test shall be open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a preaudited group of ballots marked as to record a predetermined number of valid votes for each candidate and on each question submitted, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the optical scanning equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the optical scanning equipment is approved. The test shall be repeated *within five business days* after the completion of the canvass. The programs and ballots shall be sealed, retained and disposed of in the same manner as paper ballots.

Sec. 23. K.S.A. 25-4613 is hereby amended to read as follows: 25-4613. Optical scanning equipment and systems using optical scanning equipment approved by the secretary of state:

(a) Shall be capable of being tested to ascertain that the equipment will correctly count votes cast for all offices and on all questions submitted; ~~and~~

(b) shall be capable of printing in legible form, reports and summaries of the election results as required by articles 30 and 31 of chapter 25 of Kansas Statutes Annotated*, and amendments thereto*; ~~and~~

(c) shall be capable of tabulating votes for candidates for nomination or election of all political parties officially recognized pursuant to K.S.A. 25-302a, and amendments thereto; ~~and~~

(d) shall be capable of tabulating votes for any independent candidate of any office; ~~and~~

(e) shall be capable of tabulating votes for constitutional amendments or other questions submitted; ~~and~~

(f) shall be capable of tabulating the number of "write-in" votes cast for any office;

(g) shall not count any votes for an office or upon a question submitted when the voter has cast more votes for such office or upon such question than the voter is entitled to cast;

(h) shall provide notification when the voter has cast more votes for such office or upon such question than the voter is entitled to cast; ~~and~~

(i) shall meet the requirements of the help America vote act of 2002 and other federal statutes and regulations governing voting equipment*; and*

(j) shall not have the capability nor shall any component of an optical scanning system have the capability to be connected to the internet or to any other communications or computer network, including, but not limited to, a local area network, wireless network, cellular network or satellite network, or to use bluetooth or any other wireless communications technology.

Sec. 24. K.S.A. 25-1124, 25-2316c, 25-2430, 25-2437, 25-3009, 25-3206, 25-4401, 25-4402, 25-4403, 25-4404, 25-4405, 25-4406, 25-4407, 25-4408, 25-4409, 25-4411, 25-4414, 25-4415, 25-4610 and 25-4613 are hereby repealed.

Sec. 25. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 10, 2022.

CHAPTER 88

Senate Substitute for HOUSE BILL No. 2492
(Amends Chapters 22, 31, 50, 73, 75, 79 And 80)

AN ACT reconciling multiple amendments to certain statutes; amending K.S.A. 75-5391, as amended by section 13 of 2022 Senate Bill No. 343, and K.S.A. 2021 Supp. 21-5801, as amended by section 1 of 2022 Senate Bill No. 483, 21-6604, as amended by section 3 of 2022 House Bill No. 2361, and 79-32,117 and repealing the existing sections; also repealing K.S.A. 75-5391, as amended by section 10 of 2022 Senate Bill No. 62, and K.S.A. 2021 Supp. 21-5801, as amended by section 1 of 2022 Senate Bill No. 408, 21-6604, as amended by section 17 of 2022 House Bill No. 2377, 21-6604, as amended by section 2 of 2022 House Bill No. 2608, 75-5664a, 79-3221p and 79-32,117q.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2021 Supp. 21-5801, as amended by section 1 of 2022 Senate Bill No. 483, is hereby amended to read as follows: 21-5801. (a) Theft is any of the following acts done with intent to permanently deprive the owner of the possession, use or benefit of the owner's property or services:

(1) Obtaining or exerting unauthorized control over property or services;

(2) obtaining control over property or services, by deception;

(3) obtaining control over property or services, by threat;

(4) obtaining control over stolen property or services knowing the property or services to have been stolen by another; or

(5) knowingly dispensing motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaving the premises of the establishment without making payment for the motor fuel.

(b) Theft of:

(1) Property or services of the value of $100,000 or more is a severity level 5, nonperson felony;

(2) property or services of the value of at least $25,000 but less than $100,000 is a severity level 7, nonperson felony;

(3) property or services of the value of at least $1,500 but less than $25,000 is a severity level 9, nonperson felony, except as provided in subsection (b)(7);

(4) property or services of the value of less than $1,500 is a class A nonperson misdemeanor, except as provided in subsection (b)(5), (b)(6) ~~or~~, (b)(7) *or (b)(8)*;

(5) property of the value of less than $1,500 from three separate mercantile establishments within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony;

(6) property of the value of at least $50 but less than $1,500 is a severity level 9, nonperson felony if committed by a person who has, within five years immediately preceding commission of the crime, excluding any period of imprisonment, been convicted of theft two or more times; ~~and~~

(7) property ~~which~~ *that* is a firearm of the value of less than $25,000 is a severity level 9, nonperson felony*; and*

(8) property that is mail of the value of less than $1,500 from three separate locations within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony.

(c) As used in this section:

(1) "Conviction" or "convicted" includes being convicted of a violation of K.S.A. 21-3701, prior to its repeal, this section or a municipal ordinance which prohibits the acts that this section prohibits;

(2) "mail" means a letter, postal card, package or bag sent through the United States postal service or other delivery service, or any other article or thing contained therein;

(3) "regulated scrap metal" means the same as defined in K.S.A. 2021 Supp. 50-6,109, and amendments thereto;

~~(3)~~*(4)* "remote service unit" means the same as defined in K.S.A. 9-1111, and amendments thereto, and includes, but is not limited to, automated cash dispensing machines and automated teller machines; and

~~(4)~~*(5)* "value" means the value of the property or, if the property is regulated scrap metal or a remote service unit, the cost to restore the site of the theft of such regulated scrap metal or remote service unit to its condition at the time immediately prior to the theft of such regulated scrap metal or remote service unit, whichever is greater.

Sec. 2. K.S.A. 2021 Supp. 21-6604, as amended by section 3 of 2022 House Bill No. 2361, 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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) order the defendant to participate in a specialty court program pursuant to section 1 *of 2022 House Bill No. 2361*, and amendments thereto;

(14) impose any appropriate combination of paragraphs (1) through (13); or

(15) 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. 2021 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. 2021 Supp. 21-5801, 21-5807, 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

as provided in article 7 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, 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~~ *June 11, 2020,* 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. 2021 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. 2021 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. 2021 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. 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. 2021 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. 2021 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. 2021 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 expendi-

tures 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) (1) 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:

(A) 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. 2021 Supp. 21-6824, and amendments thereto; and

(B) otherwise meets admission criteria of the camp.

(2) 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. 2021 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. 2021 Supp. 21-6630 and 21-6805(f), and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 2021 Supp. 21-5706, and amendments thereto, the court shall require the defendant who meets the requirements established in K.S.A. 2021 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. 2021 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 pos-

session of a controlled substance or controlled substance analog in violation of K.S.A. 2021 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. 2021 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. 2021 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 section 1 of chapter 9 of the 2020 Session Laws of Kansas are procedural in nature and shall be construed and applied retroactively.

Sec. 3. K.S.A. 75-5391, as amended by section 13 of 2022 Senate Bill No. 343, is hereby amended to read as follows: 75-5391. (a) There is hereby established within the Kansas department for children and families the Kansas commission for the deaf and hard of hearing. The commission shall:

(1) Advocate services affecting the deaf and hard of hearing in the areas of public services, healthcare, educational, vocational and employment opportunity;

(2) act as a bureau of information for the deaf and hard of hearing to state agencies and public institutions providing general health and mental healthcare, employment, vocational, and educational services, and to local agencies and programs;

(3) collect facts and statistics and other special studies of conditions affecting the health and welfare of the deaf and hard of hearing in this state;

(4) provide for a mutual exchange of ideas and information on the national, state and local levels;

(5) provide public education~~ of prenatal and postnatal warning signs of conditions that may lead to deafness or hearing loss in the fetus or newborn child~~*:*

(A) Regarding best practices in language acquisition development in deaf and hard of hearing children and aural rehabilitation options; and

(B) to promote the eradication of ignorance and discrimination toward deaf and hard of hearing people in schools and employment;

(6) encourage and assist local governments in the development of programs for the deaf and hard of hearing;

(7) cooperate with public and private agencies and units of local, state and federal governments in promoting coordination in programs for the deaf and hard of hearing;

(8) provide for the social, emotional, educational and vocational needs of the deaf and hard of hearing and their families;

(9) serve as an advisory board to the governor *and legislature* on the needs of the deaf and hard of hearing by preparing an annual report that reviews the status of all state services to the deaf and hard of hearing within Kansas, and to recommend priorities~~ to the governor~~ for the development and coordination of services to the deaf and hard of hearing; and

(10) make recommendations for needed improvements, and serve as an advisory board in regard to new legislation affecting the deaf and hard of hearing.

(b) *The commission may:*

(1) Develop and oversee programs concerning interpreters, interpreter service agencies, and communication access services;

(2) become a member of or affiliate with any professional organization related to the powers, duties and functions of the commission; and

(3) undertake any and all other acts as may be necessary for the performance of the commission's powers, duties and functions in the administration of K.S.A. 75-4355a through 75-4355d, and amendments thereto, and sections 1 through 5 of 2022 Senate Bill No. 62, and amendments thereto.

(c) Except as otherwise provided by this act, all budgeting, purchasing and related management functions of the Kansas commission for the deaf and hard of hearing shall be administered ~~under the direction and supervision of~~ *by* the secretary for children and families. Within the limitations of available appropriations, the secretary for children and families shall provide additional clerical and other assistance as may be required for the commission. *The executive director shall report directly to the deputy secretary or secretary for administrative purposes only.*

Sec. 4. K.S.A. 2021 Supp. 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. 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. 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. 72-4357, and amendments thereto, and is also claimed as an itemized deduction for federal income tax purposes.

(xxvii) For all taxable years commencing after December 31, 2020, the amount deducted by reason of a carryforward of disallowed business interest pursuant to section 163(j) of the federal internal revenue code of 1986, as in effect on January 1, 2018.

(xxviii) For all taxable years beginning after December 31, 2021, the amount of any contributions to, or earnings from, a first-time home buyer savings account if distributions from the account were not used to pay for expenses or transactions authorized pursuant to K.S.A. 2021 Supp. 58-4904, and amendments thereto, or were not held for the minimum length of time required pursuant to K.S.A. 2021 Supp. 58-4904, and amendments thereto. Contributions to, or earnings from, such account shall also include any amount resulting from the account holder not designating a surviving transfer on death beneficiary pursuant to K.S.A. 2021 Supp. 58-4904(e), and amendments thereto.

(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. § 280C. 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. § 280C.

(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, 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)(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 commencing after December 31, 2020, 100% of global intangible low-taxed income under section 951A of the federal internal revenue code of 1986, before any deductions allowed under section 250(a)(1)(B) of such code.

(xxvi) For all taxable years commencing after December 31, 2020, the amount disallowed as a deduction pursuant to section 163(j) of the federal internal revenue code of 1986, as in effect on January 1, 2018.

(xxvii) For taxable years commencing after December 31, 2020, the amount disallowed as a deduction pursuant to section 274 of the federal internal revenue code of 1986 for meal expenditures shall be allowed to the extent such expense was deductible for determining federal income tax and was allowed and in effect on December 31, 2017.

(xxviii) For all taxable years beginning after December 31, 2021: (1) The amount contributed to a first-time home buyer savings account pursu-

ant to K.S.A. 2021 Supp. 58-4903, and amendments thereto, in an amount not to exceed $3,000 for an individual or $6,000 for a married couple filing a joint return; or (2) amounts received as income earned from assets in a first-time home buyer savings account.

(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.

Sec. 5. K.S.A. 75-5391, as amended by section 13 of 2022 Senate Bill No. 343, and 75-5391, as amended by section 10 of 2022 Senate Bill No. 62, and K.S.A. 2021 Supp. 21-5801, as amended by section 1 of 2022 Senate Bill No. 483, 21-5801, as amended by section 1 of 2022 Senate Bill No. 408, 21-6604, as amended by section 3 of 2022 House Bill No. 2361, 21-6604, as amended by section 17 of 2022 House Bill No. 2377, 21-6604, as amended by section 2 of 2022 House Bill No. 2608, 75-5664a, 79-3221p, 79-32,117 and 79-32,117q are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 10, 2022.

CHAPTER 89

HOUSE BILL No. 2106

AN ACT concerning taxation; reducing the rate of sales and compensating use tax imposed on sales of food and food ingredients; relating to income tax; discontinuing the food sales tax credit; amending K.S.A. 13-13a39, 79-32,271, 79-3620 and 79-3710 and K.S.A. 2021 Supp. 12-189a, 79-3602, 79-3603 and 79-3703 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) There is hereby levied and there shall be collected and paid a tax upon the gross receipts from the sale of food and food ingredients. The rate of tax shall be as follows:

(1) Commencing on January 1, 2023, at the rate of 4%;

(2) commencing on January 1, 2024, at the rate of 2%; and

(3) commencing on January 1, 2025, and thereafter, at the rate of 0%.

(b) The provisions of this section shall not apply to prepared food unless sold without eating utensils provided by the seller and described below:

(1) Food sold by a seller whose proper primary NAICS classification is manufacturing in sector 311, except subsector 3118 (bakeries);

(2) (A) food sold in an unheated state by weight or volume as a single item; or

(B) only meat or seafood sold in an unheated state by weight or volume as a single item;

(3) bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies and tortillas; or

(4) food sold that ordinarily requires additional cooking, as opposed to just reheating, by the consumer prior to consumption.

(c) The provisions of this section shall be a part of and supplemental to the Kansas retailers' sales tax act.

Sec. 2. K.S.A. 2021 Supp. 12-189a is hereby amended to read as follows: 12-189a. The following sales shall be subject to the taxes levied and collected by all cities and counties under the provisions of K.S.A. 12-187 et seq., and amendments thereto:

(a) All sales of natural gas, electricity, heat and water delivered through mains, lines or pipes to residential premises for noncommercial use by the occupant of such premises and all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes for agricultural use, except that effective January 1, 2006, the provisions of this subsection shall expire for sales of water pursuant to this subsection;

(b) 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; ~~and~~

(c) all sales of intrastate telephone and telegraph services for noncommercial use*; and*

(d) all sales of food and food ingredients.

Sec. 3. K.S.A. 13-13a39 is hereby amended to read as follows: 13-13a39. ~~The following~~ Sales *subject to the countywide and city retailers' sales tax pursuant to K.S.A. 12-189a, and amendments thereto,* shall *also* be subject to the taxes levied by Washburn University of Topeka under the provisions of K.S.A. 13-13a38, and amendments thereto~~:~~

~~(a) All sales of natural gas, electricity, heat and water delivered through mains, lines or pipes to residential premises for noncommercial use by the occupant of such premises and all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes for agricultural use;~~

~~(b) 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; and~~

~~(c) all sales of intrastate telephone and telegraph services for noncommercial use~~.

Sec. 4. K.S.A. 79-32,271 is hereby amended to read as follows: 79-32,271. (a) For any taxable year commencing after December 31, 2014, *and ending prior to January 1, 2025,* a credit shall be allowed against the tax imposed by the Kansas income tax act on the Kansas taxable income of an individual income taxpayer who purchased food in this state, had federal adjusted gross income for the tax year that did not exceed $30,615, and meets the qualifications in subsections (b) and (c).

(b) During the entire tax year a taxpayer filing single, head of household, or married filing separate, or the taxpayer and the taxpayer's spouse if married filing jointly, must be domiciled in this state. For purposes of this credit, "domicile" shall not include any correctional facility, or portion thereof, as defined in K.S.A. 75-5202, and amendments thereto, any juvenile correctional facility, or portion thereof, as defined in K.S.A. 38-2302, and amendments thereto, any correctional facility of the federal bureau of prisons located in the state of Kansas, or any city or county jail facility in the state of Kansas.

(c) During the entire tax year a taxpayer filing single, head of household, or married filing separate, or the taxpayer or the taxpayer's spouse if married filing jointly, must be either: (1) A person having a disability, regardless of age; (2) a person without a disability who is 55 years of age or older; or (3) a person without a disability who is younger than 55 years of age who claims an exemption for one or more dependent children under 18 years of age.

(d) The amount of the credit shall be $125 for every exemption claimed on the taxpayer's federal income tax return, except that no exemption shall be counted for a dependent unless the dependent is a child under 18 years of age.

(e) The credit allowed under this provision shall be applied against the taxpayer's income tax liability after all other credits allowed under the income tax act. It shall not be refundable and may not be carried forward.

(f) (1) Every taxpayer claiming the credit shall supply the division in support of a claim, reasonable proof of domicile, age and disability.

(2) A claim alleging disability shall be supported by a report of the examining physician of the claimant with a statement or certificate that the applicant has a disability as defined in subsection (g).

(g) "Disability" means: (1) Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, and an individual shall be determined to be under a disability only if the physical or mental impairment or impairments are of such severity that the individual is not only unable to do the individual's previous work but cannot, considering age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which the individual lives or whether a specific job vacancy exists for the individual, or whether the individual would be hired if application was made for work. For purposes of this paragraph, with respect to any individual, "work which exists in the national economy" means work which exists in significant numbers either in the region where the individual lives or in several regions of the country; and "physical or mental impairment" means an impairment that results from anatomical, physiological or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques; or

(2) blindness and inability by reason of blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which the individual has previously engaged with some regularity and over a substantial period of time. For purposes of this paragraph, "blindness" means central visual acuity of $^{20}/_{200}$ or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purpose of this paragraph as having a central visual acuity of $^{20}/_{200}$ or less.

(h) 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 section.

Sec. 5. K.S.A. 2021 Supp. 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) "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) "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) "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) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(h) "Delivered electronically" means delivered to the purchaser by means other than tangible storage media.

(i) "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.

(j) "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) "Director" means the state director of taxation.

(l) "Educational institution" means any nonprofit school, college and university that offers education at a level above the 12th 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) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(n) "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" includes bottled water, candy, dietary supplements, food sold through vending machines and soft drinks.* "Food and food ingredients" does not include alcoholic beverages or tobacco.

(o) "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) "Ingredient or component part" means tangible personal property that is necessary or essential to, and that 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 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 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.

(q) "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 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 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.

(r) "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 or 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.

(s) "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.

(t) "Member state" means a state that has entered in the agreement, pursuant to provisions of article VIII of the agreement.

(u) "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.

(v) "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.

(w) "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.

(x) "Municipal corporation" means any city incorporated under the laws of Kansas.

(y) "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.

(z) "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) "Political subdivision" means any municipality, agency or subdivision of the state that is, or shall hereafter be, authorized to levy taxes upon tangible property within the state or that certifies a levy to a municipality, agency or subdivision of the state that 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) "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.

(cc) "Prewritten computer software" means computer software, including prewritten upgrades, that 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) "Property which is consumed" means tangible personal property that is essential or necessary to and that 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, that qualifies as property that 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) "Purchase price" applies to the measure subject to use tax and has the same meaning as sales price.

(ff) "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished.

(gg) "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) "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) "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) "Retail sale" or "sale at retail" means any sale, lease or rental for any purpose other than for resale, sublease or subrent.

(kk) "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) (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, 2024, 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) "Seller" means a person making sales, leases or rentals of personal property or services.

(nn) "Service" means those services described in and taxed under the provisions of K.S.A. 79-3603, and amendments thereto.

(oo) "Sourcing rules" means the rules set forth in K.S.A. 79-3670 through 79-3673, K.S.A. 12-191 and 12-191a, and amendments thereto, that 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) "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) "Taxpayer" means any person obligated to account to the director for taxes collected under the terms of this act.

(rr) "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.

(yy) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, that offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.

(zz) "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) "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.

(ccc) "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.

(hhh) "Cereal malt beverage" shall have the same meaning as such term is defined in K.S.A. 41-2701, and amendments thereto, except that for the purposes of the Kansas retailers sales tax act and for no other purpose, such term shall include beer containing not more than 6% alcohol by volume when such beer is sold by a retailer licensed under the Kansas cereal malt beverage act.

(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.

(jjj) (1) "Bottled water" means water that is placed in a safety sealed container or package for human consumption. "Bottled water" is calorie free and does not contain sweeteners or other additives, except that it may contain:

(A) Antimicrobial agents;

(B) fluoride;

(C) carbonation;

(D) vitamins, minerals and electrolytes;

(E) oxygen;

(F) preservatives; or

(G) only those flavors, extracts or essences derived from a spice or fruit.

(2) "Bottled water" includes water that is delivered to the buyer in a reusable container that is not sold with the water.

(lll) (1) "Candy" means a preparation of sugar, honey or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops or pieces.

(2) "Candy" does not include any preparation containing flour and shall require no refrigeration.

(mmm) "Dietary supplement" means the same as defined in K.S.A. 79-3606(jjj), and amendments thereto.

(nnn) "Food sold through vending machines" means food dispensed from a machine or other mechanical device that accepts payment.

(ooo) (1) "Prepared food" means:

(A) Food sold in a heated state or heated by the seller;

(B) two or more food ingredients mixed or combined by the seller for sale as a single item; or

(C) food sold with eating utensils provided by the seller, including, but not limited to, plates, knives, forks, spoons, glasses, cups, napkins or straws. A plate does not include a container or packaging used to transport the food.

(2) "Prepared food" does not include:

(A) Food that is only cut, repackaged or pasteurized by the seller; or

(B) eggs, fish, meat, poultry or foods containing these raw animal foods that require cooking by the consumer as recommended by the food and drug administration in chapter 3, part 401.11 of the food and drug administration food code so as to prevent food borne illnesses.

(ppp) (1) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners.

(2) "Soft drinks" does not include beverages that contain milk or milk products, soy, rice or similar milk substitutes or beverages that are greater than 50% vegetable or fruit juice by volume.

Sec. 6. K.S.A. 2021 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~~ *January* 1, ~~2021, 16.154%~~ *2023, 17% and on and after January 1, 2025, 18%* of the ~~6.5% rate~~ *tax rate* imposed *pursuant to this section and the rate provided in section 1, and amendments thereto,* 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 data service; (4) any telecommunication service to a provider of telecommunication services which 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 prem-

ises, 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 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 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 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 build-

ing 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 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 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) commencing on January 1, 2023, and thereafter, the state rate on the gross receipts from the sale of food and food ingredients shall be as set forth in section 1, and amendments thereto.

Sec. 7. K.S.A. 79-3620 is hereby amended to read as follows: 79-3620. (a) All revenue collected or received by the director of taxation from the taxes imposed by this 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, less amounts withheld as provided in subsection (b) and amounts credited as provided in subsections (c), (d) and (e), to the credit of the state general fund.

(b) A refund fund, designated as "sales tax refund fund" not to exceed $100,000 shall be set apart and maintained by the director from sales tax collections and estimated tax collections and held by the state treasurer for prompt payment of all sales tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act. In the event such fund as established by this section is, at any time, insufficient to provide for the payment of refunds due claimants thereof, the director shall certify the amount of additional funds required to the director of accounts and reports who shall promptly transfer the required amount from the state general fund to the sales tax refund fund, and notify the state treasurer, who shall make proper entry in the records.

(c) (1)~~ On July 1, 2010, the state treasurer shall credit 11.427% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(2) On July 1, 2011, the state treasurer shall credit 11.26% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(3) On July 1, 2012, the state treasurer shall credit 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(4) On July 1, 2013, the state treasurer shall credit 17.073% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.15%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(5)~~ On ~~July~~ *January* 1, ~~2015~~ *2023*, the state treasurer shall credit ~~16.226%~~ *17%* of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the ~~rate of 6.5%~~ *rates provided in K.S.A. 79-3603, and amendments thereto, and section 1, and amendments thereto*, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

~~(6)~~*(2)* On ~~July~~ *January* 1, ~~2016~~ *2025*, and thereafter, the state treasurer shall credit ~~16.154%~~ *18%* of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the ~~rate of 6.5%~~ *rates provided in K.S.A. 79-3603, and amendments thereto, and section 1, and amendments thereto*, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a STAR bond project district occupied by a STAR bond project or taxpayers doing business with such entity financed by a STAR bond project as defined in K.S.A. 2021 Supp. 12-17,162, and amendments thereto, that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state or the project was designated as a STAR bond project as defined in K.S.A. 2021 Supp. 12-17,162, and amendments thereto, to the city bond finance fund, which fund is hereby created. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under K.S.A. 79-3710(d), and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such STAR bond project.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by K.S.A. 79-3603(c), and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the

state highway fund. Such revenue may be transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to K.S.A. 79-3710(e), and amendments thereto, is equal to $53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by K.S.A. 12-1770a(oo), and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191st Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183rd Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding $150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations.

Sec. 8. K.S.A. 2021 Supp. 79-3703 is hereby amended to read as follows: 79-3703. *(a)* There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using, storing, or consuming within this state any article of tangible personal property. Such tax shall be levied and collected in an amount equal to the consideration paid by the taxpayer multiplied by the rate of 6.5%.

(b) Commencing on January 1, 2023, and thereafter, the state rate on the amount equal to the consideration paid by the taxpayer from the sale of food and food ingredients as provided in K.S.A. 79-3603, and amendments thereto, shall be as set forth in section 1, and amendments thereto.

(c) On and after ~~July~~ *January* 1, ~~2021, 16.154% at~~ *2023, 17% and on and after January 1, 2025, 18% of* the ~~6.5% rate~~ *tax rate* imposed *pursuant to this section and the rate provided in section 1, and amendments thereto,* 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.

(d) 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 of 2% until the earlier of: (1) The date the bonds issued to finance or refinance the redevelopment project undertaken in the district have been paid in full; or (2) the final scheduled maturity of the first series of bonds issued to finance the redevelopment project.

(e) All property purchased or leased within or without this state and subsequently used, stored or consumed in this state shall be subject to the compensating tax if the same property or transaction would have been subject to the Kansas retailers' sales tax had the transaction been wholly within this state.

Sec. 9. K.S.A. 79-3710 is hereby amended to read as follows: 79-3710. (a) All revenue collected or received by the director under the provisions of this 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, less amounts set apart as provided in subsection (b) and amounts credited as provided in subsection (c), (d) and (e), to the credit of the state general fund.

(b) A revolving fund, designated as "compensating tax refund fund" not to exceed $10,000 shall be set apart and maintained by the director from compensating tax collections and estimated tax collections and held by the state treasurer for prompt payment of all compensating tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act.

(c) (1) ~~On July 1, 2010, the state treasurer shall credit 11.427% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(2) On July 1, 2011, the state treasurer shall credit 11.26% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(3) On July 1, 2012, the state treasurer shall credit 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(4) On July 1, 2013, the state treasurer shall credit 17.073% of the revenue collected and received from the tax imposed by K.S.A. 79-3703,~~

~~and amendments thereto, at the rate of 6.15%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(5)~~ On ~~July~~ *January* 1, ~~2015~~ *2023*, the state treasurer shall credit ~~16.226%~~ *17%* of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the ~~rate of 6.5%~~ *rates provided in K.S.A. 79-3703, and amendments thereto, and section 1, and amendments thereto*, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

~~(6)~~*(2)* On ~~July~~ *January* 1, ~~2016~~ *2025*, and thereafter, the state treasurer shall credit ~~16.154%~~ *18%* of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the ~~rate of 6.5%~~ *rates provided in K.S.A. 79-3703, and amendments thereto, and section 1, and amendments thereto*, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a redevelopment district occupied by a redevelopment project that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state as defined in K.S.A. 12-1770a, and amendments thereto, to the city bond finance fund created by K.S.A. 79-3620(d), and amendments thereto. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under K.S.A. 79-3620(d), and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such redevelopment project.

This subsection shall not apply to a project designated as a special bond project as defined in K.S.A. 12-1770a(z), and amendments thereto.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by K.S.A. 79-3603(c), and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to K.S.A. 79-3620(e), and amendments thereto, is equal to

$53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by K.S.A. 12-1770a(oo), and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191st Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183rd Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding $150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations.

Sec. 10. K.S.A. 13-13a39, 79-32,271, 79-3620 and 79-3710 and K.S.A. 2021 Supp. 12-189a, 79-3602, 79-3603 and 79-3703 are hereby repealed.

Sec. 11. This act shall take effect on and after January 1, 2023, and be in force from and after its publication in the statute book.

Approved May 11, 2022.

CHAPTER 90

SENATE BILL No. 421

To: SEC.
Public employees retirement system, Kansas 1, 2

AN ACT concerning the Kansas public employees retirement system; eliminating certain level-dollar employer contribution payments; making and concerning appropriations for the fiscal years ending June 30, 2022, and June 30, 2023; authorizing certain transfers from the state general fund to the Kansas public employees retirement fund; allowing the state finance council to stop such fiscal year 2023 transfers; amending K.S.A. 2021 Supp. 74-4920 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1.

KANSAS PUBLIC EMPLOYEES
RETIREMENT SYSTEM

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $553,866,022 from the state general fund to the Kansas public employees retirement fund (365-00-7002-7000) of the Kansas public employees retirement system: *Provided,* That the first $253,866,022 of such transfer shall be for the full payment of reduced employer contributions from participating employers under K.S.A. 74-4931, and amendments thereto, in fiscal years 2017 and 2019: *Provided further,* That the remaining balance of such transfer shall be for the payment, in full or in part, of the unfunded actuarial liability of participating employers under K.S.A. 74-4931, and amendments thereto, of the Kansas public employees retirement system.

(b) On June 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $300,000,000 from the state general fund to the Kansas public employees retirement fund (365-00-7002-7000) of the Kansas public employees retirement system for the payment, in full or in part, of the unfunded actuarial liability of participating employers under K.S.A. 74-4931, and amendments thereto, of the Kansas public employees retirement system.

Sec. 2.

KANSAS PUBLIC EMPLOYEES
RETIREMENT SYSTEM

(a) Except as provided further, on August 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $146,133,978 from the state general fund to the Kansas public employees retirement fund (365-00-7002-7000) of the Kansas public employees retirement system for the payment, in full or in part, of the unfunded actuarial liability of participating employers under K.S.A. 74-4931, and

amendments thereto, of the Kansas public employees retirement system: *Provided, however,* That, if prior to such date, the state finance council approves a resolution stopping such transfer, then following such action by the state finance council: (1) The director of accounts and reports shall not transfer $146,133,978 from the state general fund to the Kansas public employees retirement fund of the Kansas public employees retirement system pursuant to this subsection; and (2) on the effective date of such state finance council action, the provisions of this subsection are hereby declared to be null and void and shall have no force and effect: *Provided further,* That the state finance council is hereby authorized to stop such transfer: *And provided further,* That the state finance council action on this matter 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.

(b) Except as provided further, on December 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $125,000,000 from the state general fund to the Kansas public employees retirement fund (365-00-7002-7000) of the Kansas public employees retirement system for the payment, in full or in part, of the unfunded actuarial liability of participating employers under K.S.A. 74-4931, and amendments thereto, of the Kansas public employees retirement system: *Provided, however,* That, if prior to such date, the state finance council approves a resolution stopping such transfer, then following such action by the state finance council: (1) The director of accounts and reports shall not transfer $125,000,000 from the state general fund to the Kansas public employees retirement fund of the Kansas public employees retirement system pursuant to this subsection; and (2) on the effective date of such state finance council action, the provisions of this subsection are hereby declared to be null and void and shall have no force and effect: *Provided further,* That the state finance council is hereby authorized to stop such transfer: *And provided further,* That state finance council action on this matter 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.

Sec. 3. K.S.A. 2021 Supp. 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~~ *that* will be required, together with all accumu-

lated contributions and other assets of the system, to be paid by each such participating employer to pay all liabilities ~~which~~ *that* 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~~ *that* shall be required to be paid by each such employer to pay all of the liabilities ~~which~~ *that* 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~~ *that* 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~~ *that* 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~~ *that* is by law authorized to levy taxes for other purposes, may levy annually at the time of its levy of taxes, a tax ~~which~~ *that* 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~~ *that* is not by law authorized to levy taxes as described above, but ~~which~~ *that* prepares a budget for its expenses for the ensuing year and presents the same to a governing body ~~which~~ *that* 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~~ *that* 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)~~; (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~~ *that* 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~~ *that* 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~~ *that* 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~~ *that* 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. 4. K.S.A. 2021 Supp. 74-4920 is hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 12, 2022.

Published in the *Kansas Register* May 19, 2022.

CHAPTER 91

House Substitute for Substitute For SENATE BILL No. 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, the white collar crime fund, the attracting professional sports to Kansas fund and the privilege fee repayment fund; authorizing parimutuel licensees to operate historical horse race machines; amending K.S.A. 46-2301, 74-8702, 74-8710, 74-8711, 74-8716, 74-8733, 74-8734, 74-8751, 74-8752, 74-8756, 74-8757, 74-8760, 74-8761, 74-8772, 74-8802, 74-8804, 74-8814, 74-8823, 74-8836, 79-4805 and 79-4806 and K.S.A. 2021 Supp. 21-6403, 21-6507 and 21-6508 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Sports wagering shall only be conducted in this state in accordance with the provisions of the Kansas lottery act and the Kansas expanded lottery act.

(b) The Kansas lottery may offer sports wagering through one or more lottery gaming facility managers that have contracted with the Kansas lottery in accordance with the Kansas expanded lottery act to manage sports wagering on behalf of the Kansas lottery, including, but not limited to, sports wagering over the internet through websites and mobile device applications, through interactive sports wagering platforms approved by the Kansas lottery and the use of any such platform at the primary facility of a professional sports team or other marketing entity pursuant to a marketing agreement entered into between the lottery gaming facility manager and the professional sports team or other marketing entity in accordance with section 4, and amendments thereto.

New Sec. 2. (a) Each lottery gaming facility manager shall be limited to three interactive sports wagering platforms that shall be approved by the executive director. Any interactive sports wagering platform approved by the executive director shall serve the public convenience and promote sports wagering in accordance with marketing plans developed by the Kansas lottery to offer sports wagers. Any lottery gaming facility manager may enter into a contract on behalf of the Kansas lottery with an approved interactive sports wagering platform. Any such contract shall be approved by the Kansas lottery. A lottery gaming facility manager shall only accept wagers placed through an interactive sports wagering platform from individuals who are physically located within the state of Kansas at the time of submitting the wager. Sports wagering conducted through the interactive sports wagering platform shall be offered only as approved by the Kansas lottery and in accordance with the provisions of the Kansas expanded lottery act.

(b) (1) Requests for approval of an interactive sports wagering platform submitted to the Kansas lottery shall be in such form and manner as

prescribed by the executive director. The lottery gaming facility manager requesting approval shall provide such information regarding the interactive sports wagering platform and the manager's intended use of such platform as the executive director deems necessary. All background investigation requirements required by the Kansas racing and gaming commission pursuant to the Kansas expanded lottery act shall be completed before the executive director shall consider approval and usage of any interactive sports wagering platform. The executive director shall issue a final decision regarding approval of an interactive sports wagering platform within 30 days after the date the request for approval was submitted and shall not unreasonably withhold approval of an interactive sports wagering platform that a lottery gaming facility manager requests to be approved for conducting sports wagering. Lottery gaming facility managers shall not be required to use the same interactive sports wagering platforms.

(2) On or before September 1, 2022, the executive director shall prescribe a process for submission of requests for approval and a process for approval of interactive sports wagering platforms and shall notify all lottery gaming facility managers of such processes.

(3) On or before August 1, 2022, the executive director of the Kansas racing and gaming commission shall prescribe a process for conducting background investigations of interactive sports wagering platforms and shall notify all lottery gaming facility managers of such process. The Kansas racing and gaming commission shall commence background investigations of interactive sports wagering platforms on or before August 15, 2022.

(c) A lottery gaming facility manager may apply to the Kansas lottery for approval of three additional graphical user interfaces specific to a professional sports team or auto racetrack facility that has a marketing agreement with such lottery gaming facility manager to be used to access an interactive sports wagering platform approved by the Kansas lottery.

(d) No lottery gaming facility manager shall provide a line of credit to any person engaged in sports wagering.

(e) A lottery gaming facility manager shall include information and tools to assist players in making responsible decisions and shall provide, at a minimum:

(1) Prominently displayed tools to set limits on the amount of time and money a person spends on any interactive sport wagering platform;

(2) prominently displayed information regarding compulsive gambling and ways to seek treatment and support if a person has a problem; and

(3) a person the ability to exclude the use of certain electronic payment methods if desired by the person.

New Sec. 3. (a) No person shall provide goods, services, software or any other components necessary for the determination of the odds or the

outcomes of any wager on a sporting event, directly or indirectly, to a lottery gaming facility manager, including data feeds and odds services, unless such person holds a license issued pursuant to this section.

(b) (1) Upon receipt of a complete application and payment of the required license fee, the commission may issue a sports wagering supplier license to a person who satisfies the requirements of this section and any rules and regulations adopted pursuant thereto. Applications for a sports wagering supplier license shall be submitted in such form and manner as prescribed by the commission.

(2) Such application shall include:

(A) The identity of:

(i) Each person who directly owns at least a 10% ownership interest in the applicant;

(ii) each holding, intermediary or parent company that directly owns at least a 15% ownership interest in the applicant; and

(iii) the chief executive officer and chief financial officer of the applicant or the individual holding an equivalent office with respect to the applicant, as determined by the commission; and

(B) such other information as required by the commission.

(3) The disclosure of any of the following direct or indirect shareholders of the applicant shall be waived:

(A) Any government-created entity, including, but not limited to, any statutorily authorized pension investment board or crown corporation of Canada; and

(B) any investment funds or entities registered with the securities and exchange commission, including any investment advisors or entities under the management of an entity registered with the securities and exchange commission.

(c) Upon request by the applicant, the commission may issue a provisional sports wagering supplier license if the applicant has submitted a complete application and paid the required application fee. Such provisional license shall be for a term specified on the license but not to exceed one year. The holder of a provisional license shall surrender such license to the commission upon the issuance of a sports wagering supplier license to such person.

(d) The commission shall establish the fee for the issuance and renewal of a sports wagering supplier license and provisional sports wagering supplier license.

(e) A sports wagering supplier license shall be valid for a period of two years from the date issued.

(f) A sports wagering supplier license may be renewed by the licensee prior to the expiration thereof upon application and payment of the required renewal fee.

New Sec. 4. (a) A professional sports team, auto racetrack facility or other marketing entity may enter into a marketing agreement with a lottery gaming facility manager for the purpose of marketing sports wagering at the primary facility of such professional sports team, auto racetrack facility or the premises of such other marketing entity. All sports wagering shall be managed by the lottery gaming facility manager. No owner, director, officer, employee or agent of the professional sports team or other marketing entity shall have any duties directly related to the management of sports wagering except as expressly provided in the marketing agreement.

(b) (1) A marketing agreement shall provide that the professional sports team, auto racetrack facility or other marketing entity shall promote and advertise sports wagering on behalf of the contracting lottery gaming facility manager at the primary facility of the professional sports team, auto racetrack facility or the premises of such other marketing entity. Promotion and advertising may include, but shall not be limited to:

(A) Advertising through signage and other media, including electronic media;

(B) allowing devices, such as kiosks, to be located within the primary facility of the professional sports team or auto racetrack facility to allow patrons to engage in sports wagering; and

(C) providing access to mobile device applications that allow patrons to access the interactive sports wagering platforms utilized by the lottery gaming facility manager managing sports wagering at such primary facility or other premises.

(2) A marketing agreement shall expressly prohibit the professional sports team, auto racetrack facility or other marketing entity and any owner, director, officer, employee or agent of such professional sports team, auto racetrack facility or other marketing entity from taking any bets, paying out any prizes or otherwise having any control or access to the interactive sports wagering platform or any other system used by the lottery gaming facility manager to manage sports wagering.

(3) If the primary facility or other premises specified in the marketing agreement is located outside a gaming zone, then all sports wagering at such facility or other premises shall be conducted through an interactive sports wagering platform.

(c) Any lottery gaming facility manager may enter into marketing agreements with not more than 50 marketing entities. Not less than 20% of such agreements shall be with a nonprofit fraternal or veterans organizations.

(d) Any lottery gaming facility manager seeking to enter into a marketing agreement pursuant to this section shall submit such marketing agreement to the Kansas lottery for approval. No such marketing agreement shall become effective until it is approved by the executive director of the Kansas lottery. If the marketing agreement satisfies all of the re-

quirements of the Kansas lottery act and the Kansas expanded lottery act, then it shall be approved. If the agreement is not approved, the executive director shall notify the parties to the agreement that approval has been denied and provide the reasons for such denial.

New Sec. 5. The executive director shall adopt rules and regulations regarding the advertisement for sports wagering. Such rules and regulations shall be adopted on or before January 1, 2023, and shall include, but not be limited to:

(a) Ensuring that advertisements, including limitations on the form, content, quantity, timing and location of such advertisements, do not target children and minors, or other persons who are ineligible to place wagers, or problem gamblers or other vulnerable persons;

(b) disclosure of the identity of the lottery gaming facility manager in all such advertisements;

(c) provision of the toll-free number for information and referral services for compulsive and problem gambling; and

(d) prohibitions on false, misleading or deceptive advertisements.

New Sec. 6. The Kansas lottery may restrict, limit or exclude wagering on one or more sporting events by providing notice to all lottery gaming facility managers in such form and manner as prescribed by the executive director. Offering or taking wagers that are contrary to any such notice or any rules and regulations promulgated by either the Kansas lottery or the Kansas racing and gaming commission on a sporting event is a violation of the Kansas expanded lottery act.

New Sec. 7. (a) Lottery gaming facility managers shall use reasonable methods to:

(1) Prohibit such manager, and any director, officer, owner and employee of the manager, and any relative living in the same household as such persons, from placing wagers with the manager at the manager's location or through the manager's interactive sports wagering platform;

(2) prohibit an interactive sports wagering platform, any director, officer, owner and employee of such platform and any relative living in the same household as such persons from placing any wager through such platform or at the manager's location, except that nothing in this paragraph shall be construed to prohibit any such person from placing any wager through a lottery gaming facility manager or interactive sports wagering platform with which such person has no affiliation;

(3) prohibit any director, officer, owner and employee of the sports wagering platform, and any relative living in the same household as such persons, from placing wagers with the manager;

(4) prohibit athletes, coaches, referees, team owners, employees of a sports governing body or its member teams, and player and referee union

personnel from placing wagers on any sporting event overseen by such sports governing body. In determining which persons are excluded from placing wagers under this paragraph, lottery gaming facility managers shall use publicly available information and any list of such persons that the sports governing body may provide to the Kansas lottery and the Kansas racing and gaming commission;

(5) prohibit any person with access to nonpublic confidential information held by the lottery gaming facility manager from placing wagers with such manager;

(6) prohibit persons from placing wagers as agents or proxies for other persons;

(7) prohibit any person convicted of any felony or misdemeanor offense involving sports wagering, including, but not limited to, the use of funds derived from illegal activity to make wagers, placing wagers to conceal money derived from illegal activity, the use of other individuals to place wagers as part of any wagering scheme to circumvent any provision of federal or state law and the use of false identification to facilitate the placement of any wager or the collection of any prize in violation of federal or state law, from placing wagers; and

(8) maintain the security of wagering data, customer data and other confidential information from unauthorized access and dissemination, provided that nothing in this act shall preclude the use of internet or cloud-based hosting of such data and information or disclosure as required by court order, state or federal law or as otherwise required by this act.

(b) Lottery gaming facility managers shall cooperate with any investigations conducted by the Kansas lottery, the Kansas racing and gaming commission or law enforcement agencies, including, but not limited to, providing or facilitating the provision of account-level betting information and audio or video files relating to persons placing wagers.

(c) Lottery gaming facility managers shall immediately report to the Kansas lottery and the Kansas racing and gaming commission any information relating to:

(1) Criminal or disciplinary proceedings commenced against such manager in connection with such manager's operations in any jurisdiction in which such manager operates;

(2) abnormal wagering activity or patterns that may indicate a concern with the integrity of a sporting event in any jurisdiction in which such manager operates;

(3) any potential breach of the relevant sports governing body's internal rules and codes of conduct pertaining to sports wagering;

(4) any other conduct that corrupts a betting outcome of a sporting event for purposes of financial gain, including match-fixing; and

(5) suspicious or illegal wagering activities, including the use of: Funds derived from illegal activity; wagers to conceal or launder funds derived from illegal activity; agents to place wagers; and false identification when placing wagers.

(d) Information provided by a sports governing body to a lottery gaming facility manager shall be confidential and not subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto, and the lottery gaming facility manager shall not disclose such information or any portion thereof, unless disclosure is required by this act, the Kansas racing and gaming commission, state or federal law or court order. The provisions of this subsection shall expire on July 1, 2027, unless the legislature acts to reenact such provision. The provisions of this subsection shall be reviewed by the legislature prior to July 1, 2027.

(e) Lottery gaming facility managers may use data for determining the result of sports wagers from any source that provides certified league data approved by the executive director.

(f) Any interactive sports wagering platform used by a lottery gaming facility manager shall allow any individual placing a sports wager through such platform to elect to not have such individual's personally identifiable information collected by such platform or by such lottery gaming facility manager for any purpose other than recording the placing of the sports wager, payment of any prize and as otherwise permitted by this section. Such election by an individual shall be maintained by such platform and lottery gaming facility manager until such time as the individual affirmatively cancels such election. No personally identifiable information of an individual who makes such election shall be used by such platform or lottery gaming facility manager except as permitted by this section.

New Sec. 8. (a) Lottery gaming facility managers shall maintain records of:

(1) All wagers placed, including personally identifiable information of the person placing the wager;

(2) the amount and type of wager;

(3) the time the wager was placed;

(4) the location of the wager, including the IP address, if applicable;

(5) the outcome of the wager;

(6) any records of abnormal wagering activity; and

(7) video camera recordings, in the case of in-person wagers.

(b) The records described in subsections (a)(1) through (a)(6) shall be maintained for at least two years after the sporting event occurs. Video recordings described in subsection (a)(7) shall be maintained for at least 30 days after the sporting event occurs. A lottery gaming facility manager shall make such records available for inspection upon request by the Kan-

sas lottery or the Kansas racing and gaming commission or as required by court order.

New Sec. 9. The state shall have a cause of action against any person who knowingly engages in, facilitates or conceals conduct that intends to improperly influence a betting outcome of a sporting event for purposes of financial gain, in connection with betting or wagering on a sporting event. The state may seek damages or other equitable relief. The provisions of this section shall not be construed as a limitation on or bar against any other claims that the state may bring against such person or any other claim that the state may bring for injuries or damages arising out of the operation of sports wagering.

New Sec. 10. (a) Upon request by an individual, a lottery gaming facility manager shall restrict such individual from placing sports wagers with such manager and shall take reasonable measures to prevent such individual from placing sports wagers. The lottery gaming facility manager shall submit the restricted individual's name and pertinent information to the Kansas racing and gaming commission for the sole purpose of having such information disseminated to all other lottery gaming facility managers. Any lottery gaming facility manager that receives such individual's information from the Kansas racing and gaming commission shall restrict such individual from placing sports wagers.

(b) Any winnings of any individual who has requested to be restricted from placing sports wagering bets shall forfeit such winnings, and such winnings shall be credited to the problem gambling grant fund established under K.S.A. 79-4805, and amendments thereto.

New Sec. 11. (a) There is hereby established in the state treasury the sports wagering receipts fund to be administered by the executive director of the Kansas lottery. Separate accounts shall be maintained in such fund for receipt of moneys from sports wagering conducted by each lottery gaming facility manager. 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 executive director, or the executive director's designee, for the purposes set forth in this act.

(b) All revenues from sports wagering conducted by lottery gaming facility managers shall be paid weekly and electronically to the executive director, or as soon as reasonably possible based on the sporting event and the wager placed, but in no event prior to the completion and settling of all bets for the sporting events for which wagers were placed. The executive director shall remit all moneys received therefrom 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 and credit such remittance to the respective account in the sports wagering receipts fund maintained for the lottery gaming facility manager.

(c) The executive director shall allow lottery gaming facility managers to carry over negative sports wagering revenues and apply such amounts to returns filed for subsequent weeks. Sports wagering revenues for a week will be considered negative if the sum of the winnings paid to patrons wagering on such manager's sports wagering plus all voided wagers and excise taxes on sports wagering paid pursuant to federal law, exceeds the manager's total bets accepted from sports wagering by patrons. The negative amount of sports wagering revenues shall not be applied back to an earlier week, and moneys previously received by the Kansas lottery will not be refunded unless the manager ceases to manage sports wagering and the last return reported negative sports wagering revenues.

(d) (1) The executive director shall certify weekly to the director of accounts and reports the percentages or amounts to be transferred from each account maintained in the sports wagering receipts fund to the lottery operating fund in accordance with the provisions of K.S.A. 74-8711, and amendments thereto, as provided by the lottery gaming facility management contract. Upon receipt of the certification, the director of accounts and reports shall transfer amounts from each such account in accordance with the certification of the executive director.

(2) The executive director shall cause amounts remaining in each such account to be paid to the lottery gaming facility managers in accordance with each entity's respective contract with the Kansas lottery.

New Sec. 12. (a) There is hereby established in the state treasury the white collar crime fund to be administered by the governor. All moneys credited to the white collar crime fund shall be expended only for the purpose of investigating and prosecuting:

(1) Criminal offenses involving or facilitated by:

(A) The use of funds derived from illegal activity to make wagers;

(B) placing wagers to conceal money derived from illegal activity;

(C) the use of other individuals to place wagers as part of any wagering scheme to circumvent any provision of federal or state law;

(D) the use of false identification to facilitate the placement of any wager or the collection of any prize in violation of federal or state law;

(E) any other unlawful activity involving or facilitated by the placing of wagers; or

(F) any other violation of the Kansas expanded lottery act; or

(2) any financial or economic crime involving any unauthorized gambling.

(b) 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 governor, or the governor's designee, for the purposes set forth in this act.

(c) The attorney general and the executive director of the Kansas racing and gaming commission annually, on or before August 1, shall submit requests to the governor for the amount of such sums that they consider necessary to carry out the purposes of the white collar crime fund. The governor may certify to the director of accounts and reports amounts to be transferred from the white collar crime fund to any special revenue fund or funds of the attorney general and the Kansas racing and gaming commission as deemed appropriate by the governor. Upon receipt of any such certification, the director of accounts and reports shall transfer amounts from the white collar crime fund to the special revenue fund or funds of the attorney general and the Kansas racing and gaming commission in accordance with such certification.

New Sec. 13. (a) There is hereby established in the state treasury the attracting professional sports to Kansas fund. The attracting professional sports to Kansas fund shall be administered by the secretary of commerce. 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 commerce, or the secretary's designee, for the purpose set forth in this section.

(b) The secretary of commerce is authorized to pledge all or a portion of the funds held in the attracting professional sports to Kansas fund or sports wagering revenues credited to or to be credited to the attracting professional sports to Kansas fund for the benefit of any professional sports team and used to pay the principal or interest on any bonds issued by the state or any municipality, including, but not limited to, bonds issued pursuant to K.S.A. 12-1740 et seq., 12-1770 et seq. or 12-17,160 et seq., and amendments thereto, which shall include any such financing structured as pay-as-you-go, issued to fund the construction, rehabilitation, revitalization or expansion of a professional sports team's primary facility or any other ancillary development to such primary facility.

(c) Each month, the secretary of commerce shall certify to the director of accounts and reports the amount of moneys held in the attracting professional sports to Kansas fund that are in excess of the amount necessary for the purposes described in subsection (b). Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the attracting professional sports to Kansas fund to the lottery operating fund established in K.S.A. 74-8711, and amendments thereto.

New Sec. 14. Upon receipt of a request to negotiate an existing gaming compact or a new gaming compact regarding sports wagering from a federally recognized Indian tribe pursuant to section 18, and

amendments thereto, the governor shall submit notice of such request to the executive director. Upon receipt of such notice, the executive director shall enter into an agreement with the federally recognized Indian tribe that made such request for the operation and management of sports wagering by such tribe or any corporation, limited liability company or other business entity wholly owned by such tribe on behalf of the state of Kansas. Such agreement shall authorize the Kansas lottery to offer sports wagering through an interactive sports wagering platform to be managed by such tribe or business entity. The terms and conditions of such agreement shall be substantially the same as any lottery gaming facility management contract with respect to the operation and management of sports wagering.

New Sec. 15. (a) Wagering on one or more historical horse races is hereby authorized and may be conducted in accordance with the provisions of the Kansas parimutuel racing act.

(b) Parimutuel wagering on historical horse races shall only be conducted by an organization licensee at a facility located in Sedgwick county and only through historical horse race machines approved by the commission. Such wagering shall only be permitted in a designated area on the licensed premises of an organization licensee. A licensee shall obtain approval from the commission for any types of wagers on historical horse races prior to conducting such wagering. No historical horse race machines shall be operated at any facility that conducts live greyhound races or displays simulcast greyhound races.

(c) An organization licensee may conduct parimutuel wagering on historical horse races of any horse breed regardless of the type of breed that primarily races in live meets conducted or simulcast races displayed by the licensee. A licensee may conduct parimutuel wagering on historical horse races on any days and hours approved by the commission and shall not be limited to times during which the licensee is conducting a live horse race meeting or displaying simulcast races.

(d) All wagering on historical horse races shall be conducted as follows:

(1) A patron may only wager on historical horse races through an historical horse race machine approved by the commission;

(2) once a patron deposits the wagered amount in the historical horse race machine, one or more historical horse races shall be chosen at random;

(3) prior to the patron making a wager selection, the machine shall not display or otherwise make any information available that would allow the patron to identify a historical horse race on which such patron is wagering, including the location of the race, the date on which the race was run, the names of the horses in the race or the names of the jockeys that rode the horses in the race;

(4) the machine shall make available for viewing by the patron the true and accurate past performance information on a historical horse race prior to such patron making a wager selection. The information shall be current as of the day the historical horse race was run. The information provided to the patron shall be made available on the machine in data or graphical form; and

(5) after a patron finalizes such patron's wager selections and plays such selections, the machine shall make a video replay of a portion of the race or the finish of the race available for the patron to view and the official results of the race. The identity of the race shall only be revealed to the patron after the patron has placed and played such patron's wager.

(e) Not more than 1,000 historical horse race machines shall be placed and operated at a racetrack facility.

(f) No parimutuel wagering or other type of wagering on historical horse races shall be conducted over the internet or a digital cellular network, including through any website or mobile device application.

(g) On or before January 1, 2023, the commission shall adopt rules and regulations necessary to implement and enforce the provisions of this section.

(h) This section shall be a part of and supplemental to the Kansas parimutuel racing act.

New Sec. 16. (a) Prior to the operation of any historical horse race machines pursuant to section 15, and amendments thereto, the executive director shall provide written notice to any lottery gaming facility manager managing a lottery gaming facility located in the same gaming zone as a racetrack facility where such historical horse race machines are to be operated. Such notice shall state the commission's intent to authorize the operation of historical horse race machines at such racetrack facility.

(b) No action against the state of Kansas or any other person or party for specific performance, anticipatory breach or breach of contract, the basis of which is that the authorization of historical horse race machines under section 15, and amendments thereto, violates the provisions of K.S.A. 74-8734(h)(19) or 74-8741(c)(4), and amendments thereto, or that the authorization of historical horse race machines under section 15, and amendments thereto, creates a material breach of a lottery gaming facility manager's management contract with the Kansas lottery, including any claim for reimbursement of privilege fees and interest thereon, shall be deemed to have accrued until the lottery gaming facility manager receives written notice from the executive director pursuant to subsection (a). Any such action shall be commenced within 60 days after receipt of such written notice and shall be filed as an original action in the supreme court. The supreme court shall have original jurisdiction for determination of any claims made and damages related thereto.

(c) No claim for equitable relief, including injunctive relief, may be brought in any action filed pursuant to this section. No claim may be brought in any action filed pursuant to this section except by the lottery gaming facility manager for the lottery gaming facility located in the same gaming zone as the racetrack facility where such historical horse race machines are to be operated.

(d) Any monetary damages awarded in any action brought pursuant to this section shall not exceed an amount equal to the privilege fee paid by the lottery gaming facility manager filing such action, plus any interest from the date such action accrued as specified in subsection (b).

(e) (1) If no action is filed pursuant to subsection (b), the commission may authorize the operation of historical horse race machines at the racetrack facility.

(2) If an action is properly filed, the commission shall not authorize the operation of historical horse race machines until such time as the supreme court issues a final order in such action and such order does not prohibit the commission from authorizing the operation of such machines.

(3) If the final judgment of the court orders the repayment of the privilege fees, or any portion thereof, paid by the lottery gaming facility manager, including any interest from the date such action accrued, as specified in subsection (b), the executive director shall determine the total amount due for such repayment in accordance with such order and certify such repayment amount to the facility manager licensee for the racetrack facility. The commission shall not authorize the operation of any historical horse race machines at such racetrack facility until the executive director has received such certified amount. The executive director shall remit all such moneys received to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the privilege fee repayment fund.

(f) The privilege fee repayment fund is hereby created in the state treasury and shall be administered by the Kansas lottery. The privilege fee repayment fund shall consist of those moneys credited to the privilege fee repayment fund from any payments received pursuant to subsection (e). All expenditures from the privilege fee repayment fund shall be for the repayment of privilege fees, including accrued interest thereon, and 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 or the executive director's designee.

(g) The provisions of this section shall be a part of and supplemental to the Kansas parimutuel racing act.

New Sec. 17. The provisions of sections 15 and 16, and amendments thereto, are hereby declared to be severable. If any part or provision of

sections 15 and 16, and amendments thereto, is held to be void, invalid or unconstitutional, such part or provision shall not affect or impair any of the remaining parts or provisions of this act, and any such remaining provisions shall continue in full force and effect.

New Sec. 18. (a) If any federally recognized Indian tribe, as described in K.S.A. 74-9802(f), and amendments thereto, submits a request for negotiation of a gaming compact regarding sports wagering in accordance with K.S.A. 46-2302, and amendments thereto, the governor or the governor's designated representative shall negotiate in good faith with such Indian tribe to enter into such gaming compact.

(b) No compact described in subsection (a) shall include sports wagering beyond the boundaries of the compacting tribe's Indian lands, within the meaning of the Indian gaming regulatory act, 25 U.S.C. § 2701 et seq.

New Sec. 19. (a) Misuse of nonpublic sports information is placing or causing to be placed a bet or wager on a sports contest on the basis of material nonpublic information relating to such bet or wager.

(b) Misuse of nonpublic sports information is a severity level 5, nonperson felony.

(c) As used in this section:

(1) "On the basis of material nonpublic information" means the person placing the bet or wager, or causing such bet or wager to be placed, was aware of the material nonpublic information relating to such bet or wager when the person placed the bet or wager, or caused such bet or wager to be placed; and

(2) "sports contest" means the same as defined in K.S.A. 2021 Supp. 21-6507, and amendments thereto.

(d) The provisions of this section shall be a part of and supplemental to the Kansas criminal code.

Sec. 20. K.S.A. 2021 Supp. 21-6403 is hereby amended to read as follows: 21-6403. As used in K.S.A. 2021 Supp. 21-6403 through 21-6409, and amendments thereto:

(a) "Bet" means a bargain in which the parties agree that, dependent upon chance, one stands to win or lose something of value specified in the agreement. A bet does not include:

(1) Bona fide business transactions ~~which~~ *that* are valid under the law of contracts including, but not limited to, contracts for the purchase or sale at a future date of securities or other commodities, and agreements to compensation for loss caused by the happening of the chance including, but not limited to, contracts of indemnity or guaranty and life or health and accident insurance;

(2) offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength or

endurance or to the bona fide owners of animals or vehicles entered in such a contest;

(3) a lottery as defined in this section;

(4) any bingo game by or for participants managed, operated or conducted in accordance with the laws of the state of Kansas by an organization licensed by the state of Kansas to manage, operate or conduct games of bingo;

(5) a lottery operated by the state pursuant to the Kansas lottery act;

(6) any system of parimutuel wagering managed, operated and conducted in accordance with the Kansas parimutuel racing act;

(7) tribal gaming;

(8) charitable raffles as defined by K.S.A. 75-5173, and amendments thereto; ~~or~~

(9) a fantasy sports league as defined in this section; *or*

(10) sports wagering, as defined in K.S.A. 74-8702, and amendments thereto;

(b) "lottery" means an enterprise wherein for a consideration the participants are given an opportunity to win a prize, the award of which is determined by chance. A lottery does not include:

(1) A lottery operated by the state pursuant to the Kansas lottery act; or

(2) tribal gaming;

(c) "consideration" means anything ~~which~~ *that* is a commercial or financial advantage to the promoter or a disadvantage to any participant. Mere registration without purchase of goods or services; personal attendance at places or events, without payment of an admission price or fee; listening to or watching radio and television programs; answering the telephone or making a telephone call and acts of like nature are not consideration. "Consideration" shall not include sums of money paid by or for:

(1) Participants in any bingo game managed, operated or conducted in accordance with the laws of the state of Kansas by any bona fide nonprofit religious, charitable, fraternal, educational or veteran organization licensed to manage, operate or conduct bingo games under the laws of the state of Kansas and it shall be conclusively presumed that such sums paid by or for such participants were intended by such participants to be for the benefit of the sponsoring organizations for the use of such sponsoring organizations in furthering the purposes of such sponsoring organizations, as set forth in the appropriate paragraphs of section 501(c) or (d) of the internal revenue code of 1986 and as set forth in K.S.A. 79-4701, and amendments thereto;

(2) participants in any lottery operated by the state pursuant to the Kansas lottery act;

(3) participants in any system of parimutuel wagering managed, operated and conducted in accordance with the Kansas parimutuel racing act; or

(4) a person to participate in tribal gaming;

(d) "fantasy sports league" means any fantasy or simulation sports game or contest in which no fantasy or simulation sports team is based on the current membership of an actual team that is a member of an amateur or professional sports organization and that meets the following conditions:

(1) All prizes and awards offered to winning participants are established and made known to the participants in advance of the game or contest and their value is not determined by the number of participants or the amount of any fees paid by those participants;

(2) all winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individual athletes in ~~multiple~~ real-world sporting events; and

(3) no winning outcome is based:

(A) On the score, point spread or any performance or performances of any single real-world team or any combination of such teams; or

(B) solely on any single performance of an individual athlete in any single real-world sporting event.

(e) (1) "gambling device" means any:

(A) So-called "slot machine" or any other machine, mechanical device, electronic device or other contrivance an essential part of which is a drum or reel with insignia thereon, and:

(i) ~~Which~~ *That* when operated may deliver, as the result of chance, any money or property; or

(ii) by the operation of which a person may become entitled to receive, as the result of chance, any money or property;

(B) other machine, mechanical device, electronic device or other contrivance including, but not limited to, roulette wheels and similar devices, ~~which~~ *that* are equipped with or designed to accommodate the addition of a mechanism that enables accumulated credits to be removed, is equipped with or designed to accommodate a mechanism to record the number of credits removed or is otherwise designed, manufactured or altered primarily for use in connection with gambling, and:

(i) ~~Which~~ *That* when operated may deliver, as the result of chance, any money or property; or

(ii) by the operation of which a person may become entitled to receive, as the result of chance, any money or property;

(C) subassembly or essential part intended to be used in connection with any such machine, mechanical device, electronic device or other

contrivance, but ~~which~~ *that* is not attached to any such machine, mechanical device, electronic device or other contrivance as a constituent part; or

(D) any token, chip, paper, receipt or other document ~~which~~ *that* evidences, purports to evidence or is designed to evidence participation in a lottery or the making of a bet.

The fact that the prize is not automatically paid by the device does not affect its character as a gambling device.

(2) "Gambling device" shall not include:

(A) Any machine, mechanical device, electronic device or other contrivance used or for use by a licensee of the Kansas racing *and gaming* commission as authorized by law and rules and regulations adopted by the commission or by the Kansas lottery or Kansas lottery retailers as authorized by law and rules and regulations adopted by the Kansas lottery commission;

(B) any machine, mechanical device, electronic device or other contrivance, such as a coin-operated bowling alley, shuffleboard, marble machine, a so-called pinball machine, or mechanical gun, ~~which~~ *that* is not designed and manufactured primarily for use in connection with gambling, and:

(i) ~~Which~~ *That* when operated does not deliver, as a result of chance, any money; or

(ii) by the operation of which a person may not become entitled to receive, as the result of the application of an element of chance, any money;

(C) any so-called claw, crane or digger machine and similar devices ~~which~~ *that* are designed and manufactured primarily for use at carnivals or county or state fairs; or

(D) any machine, mechanical device, electronic device or other contrivance used in tribal gaming;

(f) "gambling place" means any place, room, building, vehicle, tent or location ~~which~~ *that* is used for any of the following: Making and settling bets; receiving, holding, recording or forwarding bets or offers to bet; conducting lotteries; or playing gambling devices. Evidence that the place has a general reputation as a gambling place or that, at or about the time in question, it was frequently visited by persons known to be commercial gamblers or known as frequenters of gambling places is admissible on the issue of whether it is a gambling place;

(g) "tribal gaming" means the same as in K.S.A. 74-9802, and amendments thereto; and

(h) "tribal gaming commission" means the same as in K.S.A. 74-9802, and amendments thereto.

Sec. 21. K.S.A. 2021 Supp. 21-6507 is hereby amended to read as follows: 21-6507. (a) Sports bribery is:

(1) Conferring, or offering or agreeing to confer, any benefit upon a sports participant with intent to influence such participant not to give such participant's best efforts in a sports contest;

(2) conferring or offering or agreeing to confer, any benefit upon a sports official with intent to influence such official to perform such official's duties improperly;

(3) accepting, agreeing to accept or soliciting by a sports participant of any benefit from another person upon an understanding that such sports participant will thereby be influenced not to give such participant's best efforts in a sports contest; ~~or~~

(4) accepting, agreeing to accept or soliciting by a sports official any benefit from another person upon an understanding that such official will perform such official's duties improperly*; or*

(5) match-fixing, as defined in K.S.A. 74-8702, and amendments thereto.

(b) Sports bribery as defined in:

(1) Subsection (a)(1) or (a)(2) is a severity level 9, nonperson felony; ~~and~~

(2) subsection (a)(3) or (a)(4) is a class A nonperson misdemeanor*; and*

(3) subsection (a)(5) is a severity level 5, nonperson felony.

(c) As used in this section and K.S.A. 2021 Supp. 21-6508, and amendments thereto:

(1) "Sports contest" means any professional or amateur sports or athletic game or contest viewed by the public;

(2) "sports participant" means any person who participates or expects to participate in a sports contest as a player, contestant or member of a team, or as a coach, manager, trainer or other person directly associated with a player, contestant or team; and

(3) "sports official" means any person who acts or expects to act in a sports contest as an umpire, referee, judge or otherwise to officiate at a sports contest.

Sec. 22. K.S.A. 2021 Supp. 21-6508 is hereby amended to read as follows: 21-6508. (a) Tampering with a sports contest is seeking to influence a sports participant or sports official, or tampering with any animal or equipment or other thing involved in the conduct or operation of a sports contest, in a manner known to be contrary to the rules and usages governing such contest and with intent to influence the outcome of such contest.

(b) Tampering with a sports contest is a severity level ~~9~~ *8*, nonperson felony.

Sec. 23. K.S.A. 46-2301 is hereby amended to read as follows: 46-2301. As used in ~~this act~~ *K.S.A. 46-2301 through 46-2304, and amendments thereto, and section 18, and amendments thereto*:

(a) "Class III gaming" has the meaning provided by the Indian gaming regulatory act (25 U.S.C. 2701 et seq.).

(b) "Gaming compact" means a tribal-state compact regarding class III gaming as provided by section 11 of the Indian gaming regulatory act (25 U.S.C. 2710).

(c) "Committee" or "joint committee" means the joint committee on state-tribal relations.

Sec. 24. K.S.A. 74-8702 is hereby amended to read as follows: 74-8702. As used in the Kansas lottery act, unless the context otherwise requires:

(a) "Ancillary lottery gaming facility operations" means additional non-lottery facility game products and services not owned and operated by the state ~~which~~ *that* may be included in the overall development associated with the lottery gaming facility. Such operations may include, but are not limited to, restaurants, hotels, motels, museums or entertainment facilities.

(b) *"Auto racetrack facility" means the same as defined in K.S.A. 2021 Supp. 12-17,162, and amendments thereto, and that is located in Wyandotte county with a minimum investment of $50,000,000 and is in operation on July 1, 2022.*

(c) "Commission" means the Kansas lottery commission.

~~(c)~~ *(d) (1)* "Electronic gaming machine" means any electronic, electromechanical, video or computerized device, contrivance or machine authorized by the Kansas lottery ~~which~~ *that*, upon insertion of cash, tokens, electronic cards or any consideration, is available to play, operate or simulate the play of a game authorized by the Kansas lottery pursuant to the Kansas expanded lottery act, including, but not limited to, bingo, poker, blackjack, keno and slot machines, and ~~which~~ *that* may deliver or entitle the player operating the machine to receive cash, tokens, merchandise or credits that may be redeemed for cash. Electronic gaming machines may use bill validators and may be single-position reel-type, single or multi-game video and single-position multi-game video electronic game, including, but not limited to, poker, blackjack and slot machines. Electronic gaming machines shall be directly linked to a central computer at a location determined by the executive director for purposes of security, monitoring and auditing.

(2) "Electronic gaming machine" does not mean an historical horse race machine, as defined in K.S.A. 74-8802, and amendments thereto.

~~(d)~~*(e)* "Executive director" means the executive director of the Kansas lottery.

~~(e)~~*(f)* "Gaming equipment" means any electric, electronic, computerized or electromechanical machine, mechanism, supply or device or any other equipment, ~~which~~ *that* is: (1) Unique to the Kansas lottery and used pursuant to the Kansas lottery act; ~~and~~ (2) integral to the operation of an electronic gaming machine or lottery facility game; and (3) affects the

results of an electronic gaming machine or lottery facility game by determining win or loss.

~~(f)~~*(g)* "Gaming zone" means: (1) The northeast Kansas gaming zone, which consists of Wyandotte county; (2) the southeast Kansas gaming zone, which consists of Crawford and Cherokee counties; (3) the south central Kansas gaming zone, which consists of Sedgwick and Sumner counties; and (4) the southwest Kansas gaming zone, which consists of Ford county.

~~(g)~~*(h)* "Gray machine" means any mechanical, electro-mechanical or electronic device, capable of being used for gambling, that is: (1) Not authorized by the Kansas lottery; (2) not linked to a lottery central computer system; (3) available to the public for play; or (4) capable of simulating a game played on an electronic gaming machine or any similar gambling game authorized pursuant to the Kansas expanded lottery act.

(i) "Interactive sports wagering platform" means an integrated system of hardware, software and applications, including, but not limited to, mobile applications and servers, through which sports wagering may be made available to persons physically located within the state of Kansas at the time of submitting the wager to a sports wagering manager over the internet or wireless services as defined in K.S.A. 66-2019, and amendments thereto, including, but not limited to, through websites and mobile device applications.

~~(h)~~*(j)* (1) "Instant bingo vending machine" means a machine or electronic device that is purchased or leased by a licensee, as defined by K.S.A. 75-5173, and amendments thereto, from a distributor who has been issued a distributor registration certificate pursuant to K.S.A. 75-5184, and amendments thereto, or leased from the Kansas lottery in fulfillment of the Kansas lottery's obligations under an agreement between the Kansas lottery and a licensee entered into pursuant to K.S.A. 75-5189, and amendments thereto, and the sole purpose of which is to:

(A) Dispense a printed physical instant bingo ticket after a purchaser inserts cash or other form of consideration into the machine; and

(B) allow purchasers to manually check the winning status of the instant bingo ticket.

(2) "Instant bingo vending machine" shall not:

(A) Provide a visual or audio representation of a bingo card or an electronic gaming machine;

(B) visually or functionally have the same characteristics of an electronic instant bingo game or an electronic gaming machine;

(C) automatically determine or display the winning status of any dispensed instant bingo ticket;

(D) extend or arrange credit for the purchase of an instant bingo ticket;

(E) dispense any winnings;

(F) dispense any prize;

(G) dispense any evidence of a prize other than an instant bingo ticket;

(H) provide free instant bingo tickets or any other item that can be redeemed for cash; or

(I) dispense any other form of a prize to a purchaser.

All physical instant bingo tickets dispensed by an instant bingo vending machine shall be purchased by a licensee, as defined by K.S.A. 75-5173, and amendments thereto, from a registered distributor.

~~No~~ *Not* more than two instant bingo vending machines may be located on the premises of each licensee location.

~~(i)~~*(k)* "Kansas lottery" means the state agency created by this act to operate a lottery or lotteries pursuant to this act.

~~(j)~~*(l)* "Lottery" or "state lottery" means the lottery or lotteries operated pursuant to this act.

~~(k)~~*(m) (1)* "Lottery facility games" means any electronic gaming machines and any other games ~~which, as of January 1, 2007,~~ *that* are authorized to be conducted or operated at ~~a tribal gaming facility, as defined in K.S.A. 74-9802, and amendments thereto, located within the boundaries of this state~~ *any licensed gaming facilities in the United States*.

(2) "Lottery facility games" does not include sports wagering or historical horse race machines, as defined in K.S.A. 74-8802, and amendments thereto.

~~(l)~~*(n)* "Lottery gaming enterprise" means an entertainment enterprise ~~which~~ *that* includes a lottery gaming facility authorized pursuant to the Kansas expanded lottery act and ancillary lottery gaming facility operations that have a coordinated business or marketing strategy. A lottery gaming enterprise shall be designed to attract to its lottery gaming facility consumers who reside outside the immediate area of such enterprise.

~~(m)~~*(o)* "Lottery gaming facility" means that portion of a building used for the purposes of operating, managing and maintaining lottery facility games.

~~(n)~~*(p)* "Lottery gaming facility expenses" means normal business expenses, as defined in the lottery gaming facility management contract, associated with the ownership and operation of a lottery gaming facility.

~~(o)~~*(q)* "Lottery gaming facility management contract" means a contract, subcontract or collateral agreement between the state and a lottery gaming facility manager for the management of a lottery gaming facility, the business of which is owned and operated by the Kansas lottery, negotiated and signed by the executive director on behalf of the state.

~~(p)~~*(r)* "Lottery gaming facility manager" means a corporation, limited liability company, resident Kansas American Indian tribe or other business entity authorized to construct and manage, or manage alone, pursuant to a lottery gaming facility management contract with the Kansas

lottery, and on behalf of the state, a lottery gaming enterprise and lottery gaming facility.

~~(q)~~*(s)* "Lottery gaming facility revenues" means the total revenues from lottery facility games at a lottery gaming facility after all related prizes are paid. *The term "lottery gaming facility revenues" does not include sports wagering revenues.*

~~(r)~~*(t)* (1) "Lottery machine" means any machine or device that allows a purchaser to insert cash or other form of consideration and may deliver as the result of an element of chance, regardless of the skill required by the purchaser, a prize or evidence of a prize, including, but not limited to:

(A) Any machine or device in which the prize or evidence of a prize is determined by both chance and the purchaser's or purchasers' skill, including, but not limited to, any machine or device on which a lottery game or lottery games, such as poker or blackjack, are played; or

(B) any machine or device in which the prize or evidence of a prize is determined only by chance, including, but not limited to, any slot machine or bingo machine.

(2) "Lottery machine" shall not mean:

(A) Any food vending machine defined by K.S.A. 36-501, and amendments thereto;

(B) any nonprescription drug machine authorized under K.S.A. 65-650, and amendments thereto;

(C) any machine ~~which~~ *that* dispenses only bottled or canned soft drinks, chewing gum, nuts or candies;

(D) any machine excluded from the definition of gambling devices under K.S.A. 21-4302(d), prior to its repeal, or K.S.A. 2021 Supp. 21-6403, and amendments thereto;

(E) any electronic gaming machine or lottery facility game operated in accordance with the provisions of the Kansas expanded lottery act;

(F) any lottery ticket vending machine; or

(G) any instant bingo vending machine.

~~(s)~~*(u)* "Lottery retailer" means any person with whom the Kansas lottery has contracted to sell lottery tickets or shares, or both, to the public.

~~(t)~~*(v)* (1) "Lottery ticket vending machine" means a machine or similar electronic device owned or leased by the Kansas lottery, the sole purposes of which are to:

(A) Dispense a printed physical ticket, such as a lottery ticket, a keno ticket, a pull tab ticket or a coupon, the coupon of which must be redeemed through something other than a lottery ticket vending machine, after a purchaser inserts cash or other form of consideration into the machine;

(B) allow purchasers to manually check the winning status of a Kansas lottery ticket; and

(C) display advertising, promotions and other information pertaining to the Kansas lottery.

(2) "Lottery ticket vending machine" shall not:

(A) Provide a visual or audio representation of an electronic gaming machine;

(B) visually or functionally have the same characteristics of an electronic gaming machine;

(C) automatically determine or display the winning status of any dispensed ticket;

(D) extend or arrange credit for the purchase of a ticket;

(E) dispense any winnings;

(F) dispense any prize;

(G) dispense any evidence of a prize other than the lottery ticket, keno ticket, pull tab ticket or any free Kansas lottery ticket received as a result of the purchase of another Kansas lottery ticket;

(H) provide free games or any other item that can be redeemed for cash; or

(I) dispense any other form of a prize to a purchaser.

~~No~~*Not* more than two lottery ticket vending machines may be located at each Kansas lottery retailer selling location.

Lottery ticket vending machines may only dispense the printed physical lottery ticket, keno ticket or pull tab ticket, including any free Kansas lottery ticket received as a result of the purchase of another Kansas lottery ticket, and change from a purchase to the purchaser. Any winnings from a lottery ticket vending machine shall be redeemed only for cash or check by a lottery retailer or by cash, check or other prize from the office of the Kansas lottery.

~~(u)~~*(w)* (1) "Major procurement" means any gaming product or service, including, but not limited to, facilities, advertising and promotional services, annuity contracts, prize payment agreements, consulting services, equipment, tickets and other products and services unique to the Kansas lottery, but not including materials, supplies, equipment and services common to the ordinary operations of state agencies.

(2) "Major procurement" shall not mean any product, service or other matter covered by or addressed in the Kansas expanded lottery act or a lottery gaming facility management contract or racetrack gaming facility management contract executed pursuant to the Kansas expanded lottery act.

(x) "Marketing agreement" means an agreement entered into between a professional sports team or other marketing entity and a lottery gaming facility manager for the purposes described in section 4, and amendments thereto.

(y) "Marketing entity" means:

(1) A corporation, limited liability company, partnership or other business entity registered to do business in this state; or

(2) a nonprofit fraternal or veterans organization.

(z) "Match-fixing" means to arrange or determine any action that occurs during a sporting event, including, but not limited to, any action resulting in the final outcome of such sporting event, for financial gain.

~~(v)~~*(aa)* "Net electronic gaming machine income" means all cash or other consideration utilized to play an electronic gaming machine operated at a racetrack gaming facility, less all cash or other consideration paid out to winning players as prizes.

(bb) "Nonprofit fraternal organization" means any organization within this state that exists for the common benefit, brotherhood or other interests of its members and is authorized by its written constitution, charter, articles of incorporation or bylaws to engage in a fraternal, civic or service purpose within this state and has been determined by the executive director to be organized and operated as a bona fide fraternal organization and that has been exempted from the payment of federal income taxes as provided by section 501(c)(8) or section 501(c)(10) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit fraternal organization by the executive director.

(cc) "Nonprofit veterans' organization" means any organization within this state or any branch, lodge or chapter of a national or state organization within this state, the membership of which consists exclusively of individuals who qualify for membership because they were or are members of the armed services or forces of the United States, or an auxiliary unit or society of such a nonprofit veterans' organization, the membership of which consists exclusively of individuals who were or are members of the armed services or forces of the United States, or are cadets, or are spouses, widows or widowers of individuals who were or are members of the armed services or forces of the United States, and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and has been determined by the executive director to be organized and operated as a bona fide veterans' organization and that has been exempted from the payment of federal income taxes as provided by section 501(c)(4) or 501(c)(19) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit veterans' organization by the executive director.

~~(w)~~*(dd)* "Organization licensee" ~~has the meaning provided by~~ *means the same as defined in* K.S.A. 74-8802, and amendments thereto.

~~(x)~~*(ee)* "Parimutuel licensee" means a facility owner licensee or facility manager licensee under the Kansas parimutuel racing act.

~~(y)~~*(ff)* "Parimutuel licensee location" means a racetrack facility, as defined in K.S.A. 74-8802, and amendments thereto, owned or managed by the parimutuel licensee. A parimutuel licensee location ~~may include~~ *includes* any existing structure at such racetrack facility or any structure that may be constructed on real estate where such racetrack facility is located.

~~(z)~~*(gg)* "Person" means any natural person, association, limited liability company, corporation or partnership.

(hh) "Primary facility" means the stadium or arena where a professional sports team hosts competitive games in accordance with such team's league rules.

~~(aa)~~*(ii)* "Prize" means any prize paid directly by the Kansas lottery pursuant to the Kansas lottery act or the Kansas expanded lottery act or any rules and regulations adopted pursuant to either act.

(jj) "Professional sports team" means an athletic team, whose primary facility is located in Kansas, that operates at the major league level in the sport of baseball, basketball, football, ice hockey or soccer.

~~(bb)~~*(kk)* "Progressive electronic game" means a game played on an electronic gaming machine for which the payoff increases uniformly as the game is played and for which the jackpot, determined by application of a formula to the income of independent, local or interlinked electronic gaming machines, may be won.

~~(cc)~~*(ll)* "Racetrack gaming facility" means that portion of a parimutuel licensee location where electronic gaming machines are operated, managed and maintained.

~~(dd)~~*(mm)* "Racetrack gaming facility management contract" means an agreement between the Kansas lottery and a racetrack gaming facility manager, negotiated and signed by the executive director on behalf of the state, for placement of electronic gaming machines owned and operated by the state at a racetrack gaming facility.

~~(ee)~~*(nn)* "Racetrack gaming facility manager" means a parimutuel licensee specifically certified by the Kansas lottery to become a certified racetrack gaming facility manager and offer electronic gaming machines for play at the racetrack gaming facility.

~~(ff)~~*(oo)* "Returned ticket" means any ticket ~~which~~ *that* was transferred to a lottery retailer, ~~which~~ *that* was not sold by the lottery retailer and ~~which~~ *that* was returned to the Kansas lottery for refund by issuance of a credit or otherwise.

~~(gg)~~*(pp)* "Share" means any intangible manifestation authorized by the Kansas lottery to prove participation in a lottery game, except as provided by the Kansas expanded lottery act.

(qq) "Sports governing body" means the organization that prescribes the final rules and enforces codes of conduct with respect to a sporting event and the participants in such event.

(rr) (1) "Sporting event" means any professional or collegiate sport or athletic event, motor race event or any other special event authorized by the commission that has not occurred at the time wagers are placed on such event.

(2) The term "sporting event" does not include:

(A) Any horse race that is subject to the provisions of the Kansas parimutuel racing act, K.S.A. 74-8801 et seq., and amendments thereto;

(B) any greyhound race; or

(C) any sporting or athletic event where a majority of the participants are less than 18 years of age.

(ss) (1) "Sports wagering" means placing a wager or bet on one or more sporting events, or any portion thereof, or on the individual performance statistics of athletes participating in a sporting event, or combination of sporting events, by any system or method of wagering at or through a lottery gaming facility, including through an interactive sports wagering platform. "Sports wagering" includes, but is not limited to, single game wagers, teaser wagers, parlays, over-under wagers, moneyline wagers, pools, exchange wagering, in-game wagers, in-play wagers, proposition wagers, straight wagers and such other wagers approved by the commission.

(2) The term "sports wagering" shall not include:

(A) Parimutuel wagering, as defined in K.S.A. 74-8802, and amendments thereto; or

(B) fantasy sports leagues, as defined in K.S.A. 2021 Supp. 21-6403, and amendments thereto.

(tt) "Sports wagering revenues" means wagering revenue generated from sports wagering that is an amount equal to the total wagers less any voided wagers, federal excise taxes, free plays or other promotional credits and any amounts paid as prizes.

(uu) "Sports wagering supplier" means a person providing goods, services, software or any other components necessary for the determination of the odds or the outcomes of any wager on a sporting event, directly or indirectly, to a lottery gaming facility manager, including data feeds and odds services, that is licensed under section 3, and amendments thereto.

~~(hh)~~*(vv)* "Ticket" means any tangible evidence issued by the Kansas lottery to prove participation in a lottery game*, including a sports wager,* other than a lottery facility game.

~~(ii)~~*(ww)* "Token" means a representative of value, of metal or other material,~~ which~~ *that* is not legal tender, redeemable for cash only by the issuing lottery gaming facility manager or racetrack gaming facility manager and~~ which~~ *that* is issued and sold by a lottery gaming facility manager or racetrack gaming facility manager for the sole purpose of playing an electronic gaming machine or lottery facility game.

~~(jj)~~*(xx)* "Vendor" means any person who has entered into a major procurement contract with the Kansas lottery.

~~(kk)~~*(yy)* "Video lottery machine" means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game authorized by the commission, including, but not limited to, bingo, poker, black jack and keno, and which uses a video display and microprocessors and in which, by chance, the player may receive free games or credits that can be redeemed for cash.

(zz) "Wager" or "bet" means a bargain in which the parties agree that, dependent upon chance, one stands to win or lose something of value specified in the agreement.

Sec. 25. K.S.A. 74-8710 is hereby amended to read as follows: 74-8710. (a) The commission, upon the recommendation of the executive director, shall adopt rules and regulations governing the establishment and operation of a state lottery, sales of lottery tickets ~~and~~, the operation of lottery gaming facilities and racetrack gaming facilities *and the operation of sports wagering* as necessary to carry out the purposes of the Kansas lottery act and the Kansas expanded lottery act. Temporary rules and regulations may be adopted by the commission without being subject to the provisions and requirements of K.S.A. 77-415 through 77-438, and amendments thereto, but shall be subject to approval by the attorney general as to legality and shall be filed with the secretary of state and published in the Kansas register. Temporary and permanent rules and regulations may include, but shall not be limited to:

(1) Subject to the provisions of subsection (c), the types of lottery games to be conducted, including, but not limited to, instant lottery, ~~on-line~~ *online*, traditional games, lottery facility games and electronic gaming machine games but not including games on video lottery machines or lottery machines.

(2) The manner of selecting the winning tickets or shares, except that, if a lottery game utilizes a drawing of winning numbers, a drawing among entries or a drawing among finalists, such drawings shall always be open to the public and shall be recorded on both video and audio tape.

(3) The manner of payment of prizes to the holders of winning tickets or shares.

(4) The frequency of the drawings or selections of winning tickets or shares.

(5) The type or types of locations at which tickets or shares may be sold.

(6) The method or methods to be used in selling tickets or shares.

(7) Additional qualifications for the selection of lottery retailers and the amount of application fees to be paid by each.

(8) The amount and method of compensation to be paid to lottery retailers, including special bonuses and incentives.

(9) Deadlines for claims for prizes by winners of each lottery game.

(10) Provisions for confidentiality of information submitted by vendors pursuant to K.S.A. 74-8705, and amendments thereto.

(11) Information required to be submitted by vendors, in addition to that required by K.S.A. 74-8705, and amendments thereto.

(12) The major procurement contracts or portions thereof to be awarded to minority business enterprises pursuant to ~~subsection (a) of~~ K.S.A. 74-8705*(a)*, and amendments thereto, and procedures for the award thereof.

(13) Rules and regulations to implement, administer and enforce the provisions of the Kansas expanded lottery act. Such rules and regulations shall include, but not be limited to, rules and regulations ~~which~~ *that* govern management contracts and ~~which~~ *that* are designed to*:* (A) Ensure the integrity of electronic gaming machines ~~and~~*,* other lottery facility games*, sports wagering* and the finances of lottery gaming facilities and racetrack gaming facilities*;* and (B) alleviate problem gambling, including a requirement that each lottery gaming facility and each racetrack gaming facility maintain a self-exclusion list by which individuals may exclude themselves from access to electronic gaming machines ~~and~~*,* other lottery facility games *and sports wagering*.

(14) The types of electronic gaming machines, lottery facility games and electronic gaming machine games to be operated pursuant to the Kansas expanded lottery act.

(15) Rules and regulations to implement, administer and enforce the provisions of sections 1 through 14, and amendments thereto. Such rules and regulations shall include, but not be limited to:

(A) Management contracts for sports wagering conducted by lottery gaming facility managers;

(B) provisions for the confidentiality of information submitted by an interactive sports wagering platform and lottery gaming facility managers;

(C) provisions ensuring the integrity of sports wagering conducted in this state;

(D) permitting each lottery gaming facility manager, or such manager's contracted parties, including any approved interactive sports wagering platform, to have employees located outside the state of Kansas so that all job functions will conform with 18 U.S.C. § 1081 et seq.;

(E) permitting the establishment of online sports wagering accounts held by a lottery gaming facility manager as approved by the Kansas lottery and preestablished online accounts from other states to be accessed within the borders of Kansas so that revenue is recorded correctly and all other Kansas online rules are followed; and

(F) allowing lottery gaming facility managers to carry over negative amounts to returns filed for subsequent weeks when sports wagering rev-

enues for a week are a negative number because the sum of the winnings paid to patrons wagering on the manager's sports wagering plus all voided wagers and excise taxes on sports wagering paid pursuant to federal law exceeds the manager's total bets accepted from sports wagering by patrons. The negative amounts of sports wagering revenues shall not be carried back to an earlier week, and moneys previously received by the lottery will not be refunded, except if the manager ceases to manage sports wagering and the last return reported negative adjusted gross receipts.

(b) No new lottery game shall commence operation after the effective date of this act unless first approved by the governor or, in the governor's absence or disability, the lieutenant governor. This subsection shall not be construed to require approval of games played on an electronic gaming machine.

(c) The lottery shall adopt rules and regulations concerning the game of keno. Such rules and regulations shall require that the amount of time which elapses between the start of games shall not be less than four minutes.

Sec. 26. K.S.A. 74-8711 is hereby amended to read as follows: 74-8711. (a) There is hereby established in the state treasury the lottery operating fund.

(b) Except as provided by K.S.A. 74-8724 and the Kansas expanded lottery act, and amendments thereto, the executive director shall remit all moneys collected from the sale of lottery tickets and shares and any other moneys received by or on behalf of the Kansas lottery 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 lottery operating fund. Moneys credited to the fund shall be expended or transferred only as provided by this act. Expenditures from such 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 executive director or by a person designated by the executive director.

(c) Moneys in the lottery operating fund shall be used for:

(1) The payment of expenses of the lottery, which shall include all costs incurred in the operation and administration of the Kansas lottery; all costs resulting from contracts entered into for the purchase or lease of goods and services needed for operation of the lottery, including but not limited to supplies, materials, tickets, independent studies and surveys, data transmission, advertising, printing, promotion, incentives, public relations, communications and distribution of tickets and shares; and reimbursement of costs of facilities and services provided by other state agencies;

(2) the payment of compensation to lottery retailers;

(3) transfers of moneys to the lottery prize payment fund pursuant to K.S.A. 74-8712, and amendments thereto;

(4) transfers to the state general fund pursuant to K.S.A. 74-8713, and amendments thereto;

(5) transfers to the community crisis stabilization centers fund and clubhouse model program fund of the Kansas department for aging and disability services pursuant to subsection (e);

(6) transfers to the state gaming revenues fund pursuant to subsection (d) and as otherwise provided by law; ~~and~~

(7) *transfers to the white collar crime fund of the governor pursuant to subsection (f);*

(8) transfers to the problem gambling and addictions grant fund of the department for aging and disability services pursuant to subsection (g); and

(9) transfers to the attracting professional sports to Kansas fund of the department of commerce pursuant to subsection (h); and

(10) transfers to the county reappraisal fund as prescribed by law.

(d) The director of accounts and reports shall transfer moneys in the lottery operating fund to the state gaming revenues fund created by K.S.A. 79-4801, and amendments thereto, on or before the 15th day of each month in an amount certified monthly by the executive director and determined as follows, whichever is greater:

(1) An amount equal to the moneys in the lottery operating fund in excess of those needed for the purposes described in subsections (c)(1) through ~~(c)(5)~~ *(c)(6)*; or

(2) except for pull-tab lottery tickets and shares, an amount equal to not less than 30% of total monthly revenues from the sales of lottery tickets and shares less estimated returned tickets. In the case of pull-tab lottery tickets and shares, an amount equal to not less than 20% of the total monthly revenues from the sales of pull-tab lottery tickets and shares less estimated returned tickets.

(e) (1) Subject to the limitations set forth in paragraph (2), commencing in fiscal year 2020, on or before the 10th day of each month, the director of the lottery shall certify to the director of accounts and reports all net profits from the sale of lottery tickets and shares via lottery ticket vending machines. Of such certified amount, the director of accounts and reports shall transfer 75% from the lottery operating fund to the community crisis stabilization centers fund of the Kansas department for aging and disability services and 25% from the lottery operating fund to the clubhouse model program fund of the Kansas department for aging and disability services.

(2) Moneys transferred pursuant to paragraph (1) shall not exceed in the aggregate $4,000,000 in fiscal year 2019, and shall not exceed in the aggregate $8,000,000 in fiscal year 2020 and each fiscal year thereafter.

(f) On July 1, 2023, and each July 1 thereafter, or as soon thereafter as moneys are available, the first $750,000 credited to the lottery operating fund from sports wagering revenues deposited in the lottery operating fund shall be transferred by the director of accounts and reports from the lottery operating fund to the white collar crime fund established in section 12, and amendments thereto.

(g) On July 1, 2023, and each July 1 thereafter, or as soon thereafter as moneys are available, after the transfer required under subsection (f) has been made, 2% of the remaining moneys credited to the lottery operating fund from sports wagering revenues deposited in the lottery operating fund shall be transferred by the director of accounts and reports from the lottery operating fund to the problem gambling and addictions grant fund established in K.S.A. 79-4805, and amendments thereto.

(h) On July 1, 2023, and each July 1 thereafter, or as soon thereafter as moneys are available, after the transfer required under subsection (f) has been made, 80% of the remaining moneys credited to the lottery operating fund from sports wagering revenues deposited in the lottery operating fund shall be transferred by the director of accounts and reports from the lottery operating fund to the attracting professional sports to Kansas fund established in section 13, and amendments thereto.

Sec. 27. K.S.A. 74-8716 is hereby amended to read as follows: 74-8716. (a) It is unlawful for the executive director, a member of the commission or any employee of the Kansas lottery, or any person residing in the household thereof to:

(1) Have, either directly or indirectly, an interest in a business knowing that such business contracts with the Kansas lottery for a major procurement, whether such interest is as a natural person, partner, member of an association, stockholder or director or officer of a corporation; or

(2) accept or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor or service, or hospitality other than food and beverages, having an aggregate value of $20 or more in any calendar year from a person knowing that such person*:* (A) Contracts or seeks to contract with the state to supply gaming equipment, materials, tickets or consulting services for use in the lottery*;* or (B) is a lottery retailer or an applicant for lottery retailer.

(b) It is unlawful for a lottery retailer, an applicant for lottery retailer or a person who contracts or seeks to contract with the state to supply gaming equipment, materials, tickets or consulting services for use in the lottery to offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor or service, or hospitality other than food and beverages, having an aggregate value of $20 or more in any calendar year to a person, knowing such person is the executive director, a member of the commission or an employee of the Kansas lottery, or a person residing in the household thereof.

(c) It shall be unlawful for any person to serve as executive director, a member of the commission or an employee of the Kansas lottery while or within five years after holding, either directly or indirectly, a financial interest or being employed by or a consultant to any of the following:

(1) Any lottery gaming facility manager, subcontractor or agent of a lottery gaming facility manager, manufacturer or vendor of electronic gaming machines, *an interactive sports wagering platform* or central computer system provider, or any business ~~which~~ *that* sells goods or services to a lottery gaming facility manager; or

(2) any licensee pursuant to the Kansas parimutuel racing act, other than the Kansas lottery or a person holding a license on behalf of the Kansas lottery, or any business ~~which~~ *that* sells goods or services to a parimutuel licensee.

(d) No person who holds a license issued by the Kansas racing and gaming commission shall serve as executive director or as a member of the commission or shall be employed by the Kansas lottery while or within five years after holding such license.

(e) No person shall participate, directly or indirectly, as an owner, owner-trainer or trainer of a horse or greyhound, or as a jockey of a horse, entered in a race meeting conducted in this state while executive director, a member of the commission or an employee of the Kansas lottery.

(f) It shall be unlawful for the executive director, a member of the commission or an employee of the Kansas lottery to accept any compensation, gift, loan, entertainment, favor or service from any lottery gaming facility manager, subcontractor or agent of a lottery gaming facility manager, manufacturer or vendor of electronic gaming machines, *an interactive sports wagering platform* or central computer system provider.

(g) It shall be unlawful for the executive director, a member of the commission or an employee of the Kansas lottery to accept any compensation, gift, loan, entertainment, favor or service from any licensee pursuant to the Kansas parimutuel racing act, except such suitable facilities and services within a racetrack facility operated by an organization licensee as may be required to facilitate the performance of the executive director's, member's or employee's official duties.

(h) Violation of this section is a class A misdemeanor.

(i) If the executive director, a member of the commission or an employee of the Kansas lottery, or any person residing in the household thereof, is convicted of an act described by this section, such executive director, member or employee shall be removed from office or employment with the Kansas lottery.

(j) In addition to the provisions of this section, all other provisions of law relating to conflicts of interest of state employees shall apply to the members of the commission and employees of the Kansas lottery.

Sec. 28. K.S.A. 74-8733 is hereby amended to read as follows: 74-8733. (a) K.S.A. 74-8733 through 74-8773, and amendments thereto, *and sections 1 through 14, and amendments thereto,* shall be known and may be cited as the Kansas expanded lottery act. The Kansas expanded lottery act shall be *a* part of and supplemental to the Kansas lottery act.

(b) If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect any other provision or application of the act which can be given effect without the invalid provision or application.

(c) Any action challenging the constitutionality of or arising out of any provision of this act, any lottery gaming facility management contract or any racetrack gaming facility management contract entered into pursuant to this act shall be brought in the district court of Shawnee county.

Sec. 29. K.S.A. 74-8734 is hereby amended to read as follows: 74-8734. (a) The Kansas lottery may operate one lottery gaming facility in each gaming zone.

(b) Not more than 30 days after the effective date of this act the lottery commission shall adopt and publish in the Kansas register the procedure for receiving, considering and approving, proposed lottery gaming facility management contracts. Such procedure shall include provisions for review of competitive proposals within a gaming zone and the date by which proposed lottery gaming facility management contracts must be received by the lottery commission if they are to receive consideration.

(c) The lottery commission shall adopt standards to promote the integrity of the gaming and finances of lottery gaming facilities, which shall apply to all management contracts, shall meet or exceed industry standards for monitoring and controlling the gaming and finances of gaming facilities and shall give the executive director sufficient authority to monitor and control the gaming operation and to ensure its integrity and security.

(d) The Kansas lottery commission may approve management contracts with one or more prospective lottery gaming facility managers to manage, or construct and manage, on behalf of the state of Kansas and subject to the operational control of the Kansas lottery, a lottery gaming facility or lottery gaming enterprise at specified destination locations within the northeast, south central, southwest and southeast Kansas gaming zones where the commission determines the operation of such facility would promote tourism and economic development. The commission shall approve or disapprove a proposed management contract within 90 days after the deadline for receipt of proposals established pursuant to subsection (b).

(e) In determining whether to approve a management contract with a prospective lottery gaming facility manager to manage a lottery gaming facility or lottery gaming enterprise pursuant to this section, the commis-

sion shall take into consideration the following factors: The size of the proposed facility; the geographic area in which such facility is to be located; the proposed facility's location as a tourist and entertainment destination; the estimated number of tourists that would be attracted by the proposed facility; the number and type of lottery facility games to be operated at the proposed facility; and agreements related to ancillary lottery gaming facility operations.

(f) Subject to the requirements of this section, the commission shall approve at least one proposed lottery gaming facility management contract for a lottery gaming facility in each gaming zone.

(g) The commission shall not approve a management contract unless:

(1) (A) The prospective lottery gaming facility manager is a resident Kansas American Indian tribe and, at a minimum: (i) Has sufficient access to financial resources to support the activities required of a lottery gaming facility manager under the Kansas expanded lottery act; and (ii) has three consecutive years' experience in the management of gaming ~~which~~ *that* would be class III gaming, as defined in K.S.A. 46-2301, and amendments thereto, operated pursuant to state or federal law; or

(B) the prospective lottery gaming facility manager is not a resident Kansas American Indian tribe and, at a minimum: (i) Has sufficient access to financial resources to support the activities required of a lottery gaming facility manager under the Kansas expanded lottery act; (ii) is current in filing all applicable tax returns and in payment of all taxes, interest and penalties owed to the state of Kansas and any taxing subdivision where such prospective manager is located in the state of Kansas, excluding items under formal appeal pursuant to applicable statutes; and (iii) has three consecutive years' experience in the management of gaming ~~which~~ *that* would be class III gaming, as defined in K.S.A. 46-2301, and amendments thereto, operated pursuant to state or federal law; and

(2) the commission determines that the proposed development consists of an investment in infrastructure, including ancillary lottery gaming facility operations, of at least $225,000,000 in the northeast and south central Kansas gaming zones and of at least $50,000,000 in the southeast and southwest Kansas gaming zones. The commission, in determining whether the minimum investment required by this subsection is met, shall not include any amounts derived from or financed by state or local retailers' sales tax revenues.

(h) Any management contract approved by the commission under this section shall:

(1) Have a maximum initial term of 15 years from the date of opening of the lottery gaming facility. At the end of the initial term, the contract may be renewed by mutual consent of the state and the lottery gaming facility manager;

(2) specify the total amount to be paid to the lottery gaming facility manager pursuant to the contract;

(3) establish a mechanism to facilitate payment of lottery gaming facility expenses, payment of the lottery gaming facility manager's share of the lottery gaming facility revenues and distribution of the state's share of the lottery gaming facility revenues;

(4) include a provision for the lottery gaming facility manager to pay the costs of oversight and regulation of the lottery gaming facility manager and the operations of the lottery gaming facility by the Kansas racing and gaming commission;

(5) establish the types of lottery facility games to be installed in such facility;

(6) provide for the prospective lottery gaming facility manager, upon approval of the proposed lottery gaming facility management contract, to pay to the state treasurer a privilege fee of $25,000,000 for the privilege of being selected as a lottery gaming facility manager of a lottery gaming facility in the northeast or south central Kansas gaming zone and $5,500,000 for the privilege of being selected as a lottery gaming facility manager of a lottery gaming facility in the southeast or southwest Kansas gaming zone. Such fee shall be deposited in the state treasury and credited to the lottery gaming facility manager fund, ~~which~~ *that* is hereby created in the state treasury;

(7) incorporate terms and conditions for the ancillary lottery gaming facility operations;

(8) designate as key employees, subject to approval of the executive director, any employees or contractors providing services or functions ~~which~~ *that* are related to lottery facility games authorized by a management contract;

(9) include financing commitments for construction;

(10) include a resolution of endorsement from the city governing body, if the proposed facility is within the corporate limits of a city, or from the county commission, if the proposed facility is located in the unincorporated area of the county;

(11) include a requirement that any parimutuel licensee developing a lottery gaming facility pursuant to this act comply with all orders and rules and regulations of the Kansas racing and gaming commission with regard to the conduct of live racing, including the same minimum days of racing as specified in K.S.A. 74-8746, and amendments thereto, for operation of electronic gaming machines at racetrack gaming facilities;

(12) include a provision for the state to receive not less than 22% of lottery gaming facility revenues, which shall be paid to the expanded lottery act revenues fund established by K.S.A. 74-8768, and amendments thereto;

(13) include a provision for 2% of lottery gaming facility revenues to be paid to the problem gambling and addictions grant fund established by K.S.A. 79-4805, and amendments thereto;

(14) if the prospective lottery gaming facility manager is an American Indian tribe, include a provision that such tribe agrees to waive its sovereign immunity with respect to any actions arising from or to enforce either the Kansas expanded lottery act or any provision of the lottery gaming facility management contract; any action brought by an injured patron or by the state of Kansas; any action for purposes of enforcing the workers compensation act or any other employment or labor law; and any action to enforce laws, rules and regulations and codes pertaining to health, safety and consumer protection; and for any other purpose deemed necessary by the executive director to protect patrons or employees and promote fair competition between the tribe and others seeking a lottery gaming facility management contract;

(15) (A) if the lottery gaming facility is located in the northeast or southwest Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 3% of the lottery gaming facility revenues to the county in which the lottery gaming facility is located; or (B) if the lottery gaming facility is located in the northeast or southwest Kansas gaming zone and is located within a city, include provision for payment of an amount equal to 1.5% of the lottery gaming facility revenues to the city in which the lottery gaming facility is located and an amount equal to 1.5% of such revenues to the county in which such facility is located;

(16) (A) if the lottery gaming facility is located in the southeast or south central Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 2% of the lottery gaming facility revenues to the county in which the lottery gaming facility is located and an amount equal to 1% of such revenues to the other county in such zone; or (B) if the lottery gaming facility is located in the southeast or south central Kansas gaming zone and is located within a city, provide for payment of an amount equal to 1% of the lottery gaming facility revenues to the city in which the lottery gaming facility is located, an amount equal to 1% of such revenues to the county in which such facility is located and an amount equal to 1% of such revenues to the other county in such zone;

(17) allow the lottery gaming facility manager to manage the lottery gaming facility in a manner consistent with this act and applicable law, but shall place full, complete and ultimate ownership and operational control of the gaming operation of the lottery gaming facility with the Kansas lottery. The Kansas lottery shall not delegate and shall explicitly retain the power to overrule any action of the lottery gaming facility manager

affecting the gaming operation without prior notice. The Kansas lottery shall retain full control over all decisions concerning lottery gaming facility games *and sports wagering*;

(18) include provisions for the Kansas racing and gaming commission to oversee all lottery gaming facility operations, including, but not limited to: Oversight of internal controls; oversight of security of facilities; performance of background investigations, determination of qualifications and credentialing of employees, contractors and agents of the lottery gaming facility manager and of ancillary lottery gaming facility operations, as determined by the Kansas racing and gaming commission; auditing of lottery gaming facility revenues *and sports wagering revenues*; *and* enforcement of all state laws and maintenance of the integrity of gaming operations; and

(19) include enforceable provisions: (A) Prohibiting the state, until July 1, 2032, from: (i) Entering into management contracts for more than four lottery gaming facilities or similar gaming facilities, one ~~to be~~ located in the northeast Kansas gaming zone, one ~~to be~~ located in the south central Kansas gaming zone, one ~~to be~~ located in the southwest Kansas gaming zone and one ~~to be~~ located in the southeast Kansas gaming zone; (ii) designating additional areas of the state where operation of lottery gaming facilities or similar gaming facilities would be authorized; or (iii) operating an aggregate of more than 2,800 electronic gaming machines at all parimutuel licensee locations; and (B) requiring the state to repay to the lottery gaming facility manager an amount equal to the privilege fee paid by such lottery gaming facility manager, plus interest on such amount, compounded annually at the rate of 10%, if the state violates the prohibition provision described in (A).

(i) (1) Any management contract approved by the commission under this section may include provisions for managing sports wagering by the lottery gaming facility manager in person at the lottery gaming facility and over the internet via one or more interactive sports wagering platforms.

(2) If a management contract includes such provisions, then such contract shall include a provision for the state to receive 10% of the sports wagering revenues received from wagers placed with the lottery gaming facility manager.

~~(i)~~*(j)* The power of eminent domain shall not be used to acquire any interest in real property for use in a lottery gaming enterprise.

~~(j)~~*(k)* Any proposed management contract for which the privilege fee has not been paid to the state treasurer within 30 days after the date of approval of the management contract shall be null and void.

~~(k)~~*(l)* A person who is the manager of the racetrack gaming facility in a gaming zone shall not be eligible to be the manager of the lottery gaming facility in the same zone.

~~(l)~~*(m)* Management contracts authorized by this section may include provisions relating to:

(1) Accounting procedures to determine the lottery gaming facility revenues, unclaimed prizes and credits;

(2) minimum requirements for a lottery gaming facility manager to provide qualified oversight, security and supervision of the lottery facility games including the use of qualified personnel with experience in applicable technology;

(3) eligibility requirements for employees, contractors or agents of a lottery gaming facility manager who will have responsibility for or involvement with actual gaming activities or for the handling of cash or tokens;

(4) background investigations to be performed by the Kansas racing and gaming commission;

(5) credentialing requirements for any employee, contractor or agent of the lottery gaming facility manager or of any ancillary lottery gaming facility operation as provided by the Kansas expanded lottery act or rules and regulations adopted pursuant thereto;

(6) provision for termination of the management contract by either party for cause; and

(7) any other provision deemed necessary by the parties, including such other terms and restrictions as necessary to conduct any lottery facility game in a legal and fair manner.

~~(m)~~*(n)* A management contract shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, except upon approval by the executive director, nor shall it be subject to being encumbered or hypothecated. The trustee of any insolvent or bankrupt lottery gaming facility manager may continue to operate pursuant to the management contract under order of the appropriate court for no longer than one year after the bankruptcy or insolvency of such manager.

~~(n)~~*(o)* (1) The Kansas lottery shall be the licensee and owner of all software programs used at a lottery gaming facility for any lottery facility game.

(2) A lottery gaming facility manager, on behalf of the state, shall purchase or lease for the Kansas lottery all lottery facility games. All lottery facility games shall be subject to the ultimate control of the Kansas lottery in accordance with this act.

(3) If a lottery gaming facility manager agrees to manage sports wagering, the Kansas lottery shall be the licensee and owner of all software programs used in conducting sports wagering, and the lottery gaming facility manager, on behalf of the state, shall purchase or lease for the Kansas lottery any equipment or other property necessary for managing sports wagering. All sports wagering shall be subject to the ultimate control of the Kansas lottery in accordance with the Kansas expanded lottery act.

~~(o)~~*(p)* A lottery gaming facility shall comply with any planning and zoning regulations of the city or county in which it is to be located. The executive director shall not contract with any prospective lottery gaming facility manager for the operation and management of such lottery gaming facility unless such manager first receives any necessary approval under planning and zoning requirements of the city or county in which it is to be located.

~~(p)~~*(q)* Prior to expiration of the term of a lottery gaming facility management contract, the lottery commission may negotiate a new lottery gaming facility management contract with the lottery gaming facility manager if the new contract is substantially the same as the existing contract. Otherwise, the lottery gaming facility review board shall be reconstituted and a new lottery gaming facility management contract shall be negotiated and approved in the manner provided by this act.

Sec. 30. K.S.A. 74-8751 is hereby amended to read as follows: 74-8751. *(a)* The Kansas racing and gaming commission, through rules and regulations, shall establish:

~~(a)~~*(1)* A certification requirement, and enforcement procedure, for officers, directors, key employees and persons directly or indirectly owning a ~~0.5%~~ *5%* or more interest in a lottery gaming facility manager or racetrack gaming facility manager. Such certification requirement shall include compliance with such security, fitness and background investigations and standards as the executive director of the Kansas racing and gaming commission deems necessary to determine whether such person's reputation, habits or associations pose a threat to the public interest of the state or to the reputation of or effective regulation and control of the lottery gaming facility or racetrack gaming facility~~. Any person convicted of any felony, a crime involving gambling or a crime of moral turpitude prior to applying for a certificate hereunder or at any time thereafter shall be deemed unfit. The Kansas racing and gaming commission shall conduct the security, fitness and background checks required pursuant to this subsection. Certification pursuant to this subsection shall not be assignable or transferable~~;

~~(b)~~*(2)* a certification requirement, and enforcement procedure, for those persons, including electronic gaming machine manufacturers, technology providers and computer system providers, who propose to contract with a lottery gaming facility manager, a racetrack gaming facility manager or the state for the provision of goods or services related to a lottery gaming facility or racetrack gaming facility, including management services. Such certification requirements shall include compliance with such security, fitness and background investigations and standards of officers, directors, key gaming employees and persons directly or indirectly owning a ~~0.5%~~ *5%* or more interest in such entity as the executive direc-

tor of the Kansas racing and gaming commission deems necessary to determine whether such person's reputation, habits and associations pose a threat to the public interest of the state or to the reputation of or effective regulation and control of the lottery gaming facility or racetrack gaming facility. ~~Any person convicted of any felony, a crime involving gambling or a crime of moral turpitude prior to applying for a certificate hereunder or at any time thereafter shall be deemed unfit.~~ If the executive director of the racing and gaming commission determines the certification standards of another state are comprehensive, thorough and provide similar adequate safeguards, the executive director may certify an applicant already certified in such state without the necessity of a full application and background check. ~~The Kansas racing and gaming commission shall conduct the security, fitness and background checks required pursuant to this subsection. Certification pursuant to this subsection shall not be assignable or transferable~~;

(3) (A) a certification requirement and enforcement procedure for:

(i) Employees of a lottery gaming facility manager or another entity owned by the lottery gaming facility manager's parent company that are directly involved in the management of sports wagering managed by such manager; and

(ii) those persons who propose to contract with a lottery gaming facility manager in an amount that exceeds $250,000 per year for the provision of goods or services related to sports wagering, including any interactive sports wagering platform requested by a lottery gaming facility manager under section 2, and amendments thereto; and

(B) such certification requirement shall include compliance with such security, fitness and background investigations and standards as the executive director deems necessary to determine whether such person's reputation, habits or associations pose a threat to the public interest of the state or to the reputation of, or effective regulation and control of, sports wagering conducted by the lottery gaming facility. Such certification shall be valid for one year from the date of issuance;

~~(c)~~*(4)* provisions for revocation of a certification required by subsection ~~(a) or (b)~~ *(a)(1) or (a)(2)* upon a finding that the certificate holder, an officer or director thereof or a person directly or indirectly owning a ~~0.5%~~ *5%* or more interest therein: ~~(1)~~*(A)* Has knowingly provided false or misleading material information to the Kansas lottery or its employees; or ~~(2)~~ *(B)* has been convicted of a felony, gambling related offense or any crime of moral turpitude; ~~and~~

~~(d)~~*(5)* provisions for suspension, revocation or nonrenewal of a certification required by subsection ~~(a) or (b)~~ *(a)(1) or (a)(2)* upon a finding that the certificate holder, an officer or director thereof or a person directly or indirectly owning a ~~0.5%~~ *5%* or more interest therein: ~~(1)~~*(A)* Has failed

to notify the Kansas lottery about a material change in ownership of the certificate holder, or any change in the directors or officers thereof; ~~(2)~~ *(B)* is delinquent in remitting money owed to the Kansas lottery; ~~(3)~~*(C)* has violated any provision of any contract between the Kansas lottery and the certificate holder; or ~~(4)~~*(D)* has violated any provision of the Kansas expanded lottery act or any rule and regulation adopted hereunder*; and*

(6) provisions for suspension, revocation or nonrenewal of a certification required by subsection (a)(3) upon a finding that the certificate holder has: (A) Knowingly provided false or misleading material information to the Kansas lottery, the Kansas racing and gaming commission or to the employees of either entity; (B) been convicted of a felony, gambling-related offense or any crime of moral turpitude; (C) violated any provision of any contract between the Kansas lottery and the certificate holder; or (D) violated any provision of the Kansas expanded lottery act or any rule and regulation adopted hereunder.

(b) A certification issued pursuant to this section shall not be assignable or transferable.

Sec. 31. K.S.A. 74-8752 is hereby amended to read as follows: 74-8752. (a) The executive director of the Kansas lottery and the executive director of the Kansas racing and gaming commission, or their designees, may observe and inspect all electronic gaming machines, lottery facility games, *sports wagering operations,* lottery gaming facilities, racetrack gaming facilities and all related equipment and facilities operated by a lottery gaming facility manager or racetrack gaming facility manager.

(b) In addition to any other powers granted pursuant to this act, the executive director of the racing and gaming commission shall have the power to:

(1) Examine, or cause to be examined by any agent or representative designated by such executive director, any books, papers, records or memoranda of any lottery gaming facility manager or racetrack gaming facility manager, or of any business involved in electronic gaming machines ~~or~~, lottery facility games *or sports wagering operations* authorized pursuant to the Kansas expanded lottery act, for the purpose of ascertaining compliance with any provision of the Kansas lottery act, the Kansas expanded lottery act, or any rules and regulations adopted thereunder;

(2) investigate alleged violations of the Kansas expanded lottery act and alleged violations of any rules and regulations, orders and final decisions of the Kansas lottery commission, the executive director of the Kansas lottery, the Kansas racing and gaming commission or the executive director of the Kansas racing and gaming commission;

(3) request a court to issue subpoenas to compel access to or for the production of any books, papers, records or memoranda in the custody or control of any lottery gaming facility manager or racetrack gaming facility

manager related to the management of the lottery gaming facility or racetrack gaming facility, or to compel the appearance of any lottery gaming facility manager or racetrack gaming facility manager for the purpose of ascertaining compliance with the provisions of the Kansas lottery act and the Kansas expanded lottery act or rules and regulations adopted thereunder; *and*

(4) ~~inspect and approve, prior to publication or distribution, all advertising by a lottery gaming facility manager or racetrack gaming facility manager which includes any reference to the Kansas lottery; and~~

~~(5)~~ take any other action as may be reasonable or appropriate to enforce the provisions of the Kansas expanded lottery act and any rules and regulations, orders and final decisions of the executive director of the Kansas lottery, the Kansas lottery commission, the executive director of the Kansas racing commission or the Kansas racing and gaming commission.

(c) Appropriate security measures shall be required in any and all areas where electronic gaming machines, *sports wagering* and other lottery facility games authorized pursuant to the Kansas expanded lottery act are located or operated. The executive director of the Kansas racing and gaming commission shall approve all such security measures.

(d) The executive director of the Kansas racing and gaming commission shall require an annual audit of the operations of each lottery gaming facility and ancillary lottery gaming facility operations and each racetrack gaming facility as determined by the commission. Such audit shall be conducted by the Kansas racing and gaming commission or a licensed accounting firm approved by the executive director of the Kansas racing and gaming commission and shall be conducted at the expense of the lottery gaming facility manager or racetrack facility manager.

(e) None of the information disclosed pursuant to subsection (b) or (d) shall be subject to disclosure under the Kansas open records act, K.S.A. 45-216 et seq., and amendments thereto.

Sec. 32. K.S.A. 74-8756 is hereby amended to read as follows: 74-8756. (a) Wagers shall be received only from a person at the location where the electronic gaming machine or lottery facility game is authorized pursuant to the Kansas expanded lottery act. No person present at such location shall place or attempt to place a wager on behalf of another person who is not present at such location.

(b) No employee or contractor of, or other person who has any legal affiliation with, a racetrack gaming facility manager shall loan money to or otherwise extend credit to patrons of the parimutuel licensee.

(c) *(1) Except as otherwise provided,* no employee or contractor of, or other person who has any legal affiliation with, a lottery gaming facility manager shall loan money to or otherwise extend credit to patrons of a lottery gaming facility.

(2) A patron of a lottery gaming facility may fund an account held by a lottery gaming facility manager for the payment of sports wagers and pay for sports wagers through the use of:

(A) Cash and cash equivalents;

(B) electronic bank transfers of money, including transfers through third parties;

(C) bank and wire transfers of money;

(D) debit and credit cards;

(E) online and mobile application payment systems that support online money transfers;

(F) promotional funds provided by a lottery gaming facility manager; and

(G) any other payment method approved by the Kansas lottery.

(3) Nothing in this subsection shall be construed to prohibit any lottery gaming facility manager from obtaining insurance or check guarantee services to protect against any loss as a result of any check that is returned or otherwise not honored due to a stop payment order or nonsufficient funds.

(d) Violation of this section is a class A nonperson misdemeanor upon a conviction for a first offense. Violation of this section is a severity level 9, nonperson felony upon conviction for a second or subsequent offense.

Sec. 33. K.S.A. 74-8757 is hereby amended to read as follows: 74-8757. (a) A person less than 21 years of age shall not be permitted in an area where electronic gaming machines or lottery facility games are being conducted, except for a person at least 18 years of age who is an employee of the lottery gaming facility manager or the racetrack gaming facility manager. No employee under age 21 shall perform any function involved in gaming by the patrons.

(b) No person under age 21 shall play or make a wager on an electronic gaming machine game or a lottery facility game.

(c) No person under age 21 shall directly or indirectly make a wager on any sporting event or otherwise be permitted to engage in sports wagering.

Sec. 34. K.S.A. 74-8760 is hereby amended to read as follows: 74-8760. (a) Except in accordance with rules and regulations of the Kansas racing and gaming commission or by written authority from the executive director of the Kansas racing and gaming commission in performing installation, maintenance, inspection and repair services, it is a class A nonperson misdemeanor for the following to place a wager on or play an electronic gaming machine game or a lottery facility game at a lottery gaming facility in this state: The executive director of the Kansas lottery, a member of the Kansas lottery commission or any employee or agent of the Kansas lottery; the executive director, a member or any employee or

agent of the Kansas racing and gaming commission; or the lottery gaming facility manager or any employee of the lottery gaming facility manager.

(b) Except in accordance with rules and regulations of the Kansas racing and gaming commission or by written authority from the executive director of the Kansas racing and gaming commission in performing installation, maintenance, inspection and repair services, it is a class A nonperson misdemeanor for the following to place a ~~wager on or play an electronic gaming machine at a racetrack gaming facility~~ *sports wager* in this state:

(1) The executive director of the Kansas lottery, a member of the Kansas lottery commission or any employee or agent of the Kansas lottery;

(2) the executive director, a member or any employee or agent of the Kansas racing and gaming commission; ~~or the racetrack gaming facility manager or any employee of the racetrack gaming facility manager~~

(3) a lottery gaming facility manager, any director, officer, owner or employee of such manager or any relative living in the same household as such persons who places any wager with the manager at the manager's location or through the manager's interactive sports wagering platform;

(4) an interactive sports wagering platform, any director, officer, owner or employee of such platform or any relative living in the same household as such persons who places any wager with the manager through such platform or at the manager's location, except that nothing in this paragraph shall be construed to prohibit any such person from placing any wager through a lottery gaming facility manager or interactive sports wagering platform with which such person has no affiliation;

(5) any owner, officer, athlete, coach or other employee of a team or any person participating as an individual in any sporting event; or

(6) any director, officer or employee of a player or referee union.

(c) It is a severity level 8, nonperson felony for any person knowingly to place a sports wager: (1) With access to nonpublic confidential information held by the lottery gaming facility manager; (2) as an agent or proxy for other persons; (3) using funds derived from illegal activity; (4) to conceal money derived from illegal activity; (5) through the use of other individuals to place wagers as part of any wagering scheme to circumvent any provision of federal or state law; or (6) using false identification to facilitate the placement of the wager or the collection of any prize in violation of federal or state law.

~~(c)~~*(d)* It is a severity level 8, nonperson felony for any person playing or using any electronic gaming machine in Kansas knowingly to:

(1) Use other than a lawful coin or legal tender of the United States of America, or to use coin not of the same denomination as the coin intended to be used in an electronic gaming machine, except that in the playing of any electronic gaming machine or similar gaming device, it shall

be lawful for any person to use gaming billets, tokens or similar objects therein which are approved by the Kansas racing and gaming commission;

(2) possess or use, while on premises where electronic gaming machines are authorized pursuant to the Kansas expanded lottery act, any cheating or thieving device, including, but not limited to, tools, wires, drills, coins attached to strings or wires or electronic or magnetic devices to facilitate removing from any electronic gaming machine any money or contents thereof, except that a duly authorized agent or employee of the Kansas racing and gaming commission, lottery gaming facility manager or racetrack gaming facility manager may possess and use any of the foregoing only in furtherance of the agent's or employee's employment at the lottery gaming facility or racetrack gaming facility; or

(3) possess or use while on the premises of a lottery gaming facility or racetrack gaming facility, or any location where electronic gaming machines are authorized pursuant to this act, any key or device designed for the purpose of or suitable for opening or entering any electronic gaming machine or similar gaming device or drop box.

~~(d)~~*(e)* Any duly authorized agent or employee of the Kansas racing and gaming commission, a lottery gaming facility manager or a racetrack gaming facility manager may possess and use any of the devices described in ~~subsections (c)(3) and (c)(4)~~ *subsection (e)(3)* in furtherance of inspection or testing as provided in the Kansas expanded lottery act or in furtherance of such person's employment at any location where any electronic gaming machine or similar gaming device or drop box is authorized pursuant to the Kansas expanded lottery act.

Sec. 35. K.S.A. 74-8761 is hereby amended to read as follows: 74-8761. *(a)* It shall be a severity level 9, nonperson felony for any person to place in operation or continue to have in place any gray machine for use by members of the public at any location in this state.

(b) It shall be the duty of the attorney general and the Kansas racing and gaming commission to enforce the provisions of this section, together with any rules and regulations adopted pursuant thereto. The attorney general and the Kansas racing and gaming commission shall have original jurisdiction to investigate and prosecute violations of this section.

Sec. 36. K.S.A. 74-8772 is hereby amended to read as follows: 74-8772. *On or before January 1, 2023,* the Kansas racing and gaming commission shall adopt such *permanent* rules and regulations as the commission deems necessary to carry out the duties and functions of the commission pursuant to the Kansas expanded lottery act. ~~Such~~ *Temporary rules and regulations may be adopted by the commission without being subject to the provisions and requirements of K.S.A. 77-415 through 77-438, and amendments thereto, but shall be subject to approval by the attorney general as to legality and shall be filed with the secretary of state*

and published in the Kansas register. Temporary and permanent rules and regulations shall include, but not be limited to, rules and regulations:

(a) Promoting the integrity of the gaming and finances of lottery gaming facilities and racetrack gaming facilities and shall meet or exceed industry standards for monitoring and controlling the gaming and finances of lottery gaming facility operations and racetrack gaming facility operations and shall give the Kansas racing and gaming commission sufficient authority to monitor and control the gaming operation and to ensure its integrity and security;

(b) prescribing the on-site security arrangements for lottery gaming facilities and racetrack gaming facilities;

(c) requiring reporting of information about any lottery gaming facility manager or racetrack gaming facility manager, and its employees, vendors and finances, necessary or desirable to ensure the security of lottery gaming facility and racetrack gaming facility operations. None of the information disclosed pursuant to this subsection shall be subject to disclosure under the Kansas open records act;

(d) requiring reporting and auditing of financial information of lottery gaming facility managers and racetrack gaming facility managers, including, but not limited to, the reporting of profits or losses incurred by lottery gaming facility managers and racetrack gaming facility managers and the reporting of such other information as the Kansas racing and gaming commission requires to determine compliance with the Kansas expanded lottery act and rules and regulations adopted hereunder. None of the information disclosed pursuant to this subsection shall be subject to disclosure under the Kansas open records act; and

(e) provisions for oversight of all lottery gaming facility operations and racetrack gaming facility operations, including, but not limited to, oversight of internal controls; oversight of security of facilities; performance of background investigations, determination of qualifications and credentialing of employees, contractors and agents of lottery gaming facility managers, ancillary lottery gaming facility operations and racetrack gaming facilities; auditing of lottery gaming facility revenues and net electronic gaming machine income of racetrack gaming facilities; enforcement of all state laws; and maintenance of the integrity of lottery gaming facility and racetrack gaming facility operations.

Sec. 37. K.S.A. 74-8802 is hereby amended to read as follows: 74-8802. As used in the Kansas parimutuel racing act unless the context otherwise requires:

(a) "Breakage" means the odd cents by which the amount payable on each dollar wagered exceeds:

(1) A multiple of $.10, for parimutuel pools from races conducted in this state; and

(2) a multiple of such other number of cents as provided by law of the host jurisdiction, for interstate combined wagering pools.

(b) "Commission" means the Kansas racing and gaming commission created by this act.

(c) "Concessionaire licensee" means a person, partnership, corporation or association licensed by the commission to utilize a space or privilege within a racetrack facility to sell goods or services.

(d) "Contract" means an agreement, written or oral, between two or more persons, partnerships, corporations or associations, or any combination thereof~~, which~~ *that* creates an obligation between the parties.

(e) "Crossover employment" means a situation in which an occupational licensee is concurrently employed at the same racing facility by an organization licensee and a facility owner licensee or facility manager licensee.

(f) "Dual racetrack facility" means a racetrack facility for the racing of both horses and greyhounds or two immediately adjacent racetrack facilities, owned by the same licensee, one for racing horses and one for racing greyhounds.

(g) "Executive director" means the executive director of the commission.

(h) "Facility manager licensee" means a person, partnership, corporation or association licensed by the commission and having a contract with an organization licensee to manage a racetrack facility *located in Sedgwick county*.

(i) "Facility owner licensee" means a person, partnership, corporation or association, or the state of Kansas or any political subdivision thereof, licensed by the commission to construct or own a racetrack facility~~ but~~ *located in Sedgwick county. "Facility owner licensee"* does not mean an organization licensee~~ which~~ *that* owns the racetrack facility in which it conducts horse or greyhound racing.

(j) "Fair association" means an association organized pursuant to K.S.A. 2-125 et seq. and amendments thereto or a nonprofit association determined by the commission to be otherwise organized to conduct fair activities pursuant to findings of fact entered by the commission in a license order.

(k) "Financial interest" means an interest that could result directly or indirectly in receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership or interest in a business entity or activity or as a result of a salary, gratuity or other compensation or remuneration from any person.

(l) "Greyhound" means any greyhound breed of dog properly registered with the national greyhound association of Abilene, Kansas.

(m) *"Historical horse race machine" means any electronic, electromechanical, video or computerized device, contrivance or machine autho-*

rized by the commission that, upon insertion of cash, tokens, electronic cards or any consideration, is available to accept wagers on and simulate the running of historical horse races, and that may deliver or entitle the patron operating the machine to receive cash, tokens, merchandise or credits that may be redeemed for cash. Historical horse race machines shall use historically accurate information of the horse race selected to determine the place of finish of each horse. No random number generator or other algorithm shall be used for determining the results of an historical horse race. Historical horse race machines shall be directly linked to a central computer at a location determined by the commission for purposes of security, monitoring and auditing.

(n) "Horsemen's association" means any association or corporation:

(1) All officers, directors, members and shareholders of which are licensed owners of horses or licensed trainers of horses, or both;

(2) ~~which is~~ applying for or has been issued a facility owner license authorizing ownership of Eureka Downs, Anthony Downs or a racetrack facility on or adjacent to premises used by a fair association to conduct fair activities; and

(3) none of the officers, directors, members or shareholders of which holds another facility owner license or is an officer, director, member or shareholder of another facility owner licensee.

~~(n)~~*(o)* "Horsemen's nonprofit organization" means any nonprofit organization:

(1) All officers, directors, members or shareholders of which are licensed owners of horses or licensed trainers of horses, or both; and

(2) ~~which is~~ applying for or has been issued an organization license authorizing the conduct of horse races at Eureka Downs, Anthony Downs or a racetrack facility on or adjacent to premises used by a fair association to conduct fair activities.

~~(o)~~*(p)* "Host facility" means the racetrack at which the race is run or, if the race is run in a jurisdiction ~~which~~ *that* is not participating in the interstate combined wagering pool, the racetrack or other facility ~~which~~ *that* is designated as the host facility.

~~(p)~~*(q)* "Host jurisdiction" means the jurisdiction where the host facility is located.

~~(q)~~*(r)* "Interstate combined wagering pool" means a parimutuel pool established in one jurisdiction ~~which~~ *that* is combined with comparable parimutuel pools from one or more racing jurisdictions for the purpose of establishing the amount of money returned on a successful wager in the participating jurisdictions.

~~(r)~~*(s)* "Intertrack wagering" means wagering on a simulcast race at a licensed racetrack facility or at a facility ~~which~~ *that* is licensed in its racing jurisdiction to conduct live races.

~~(s)~~*(t)* "Intrastate combined wagering pool" means a parimutuel pool ~~which~~ *that* is combined with comparable parimutuel pools from one or more racetrack facilities for the purpose of establishing the amount of money returned on a successful wager at the participating racetrack facilities.

~~(t)~~*(u)* "Kansas-whelped greyhound" means a greyhound whelped and raised in Kansas for the first six months of its life.

~~(u)~~*(v)* "Minus pool" means a parimutuel pool in which, after deducting the takeout, not enough money remains in the pool to pay the legally prescribed minimum return to those placing winning wagers, and in which the organization licensee would be required to pay the remaining amount due.

~~(v)~~*(w)* "Nonprofit organization" means:

(1) A corporation ~~which~~ *that* is incorporated in Kansas as a not-for-profit corporation pursuant to the Kansas general corporation code and the net earnings of which do not inure to the benefit of any shareholder, individual member or person; or

(2) a fair association.

~~(w)~~*(x)* "Occupation licensee" means a person licensed by the commission to perform an occupation or provide services ~~which~~ *that* the commission has identified as requiring a license pursuant to this act.

~~(x)~~*(y)* "Off-track wagering" means wagering on a simulcast race at a facility ~~which~~ *that* is not licensed in its jurisdiction to conduct live races.

~~(y)~~*(z)* "Organization licensee" means a nonprofit organization licensed by the commission to conduct races pursuant to this act and, if the license so provides, to construct or own a racetrack facility.

~~(z)~~*(aa)* "Parimutuel pool" means the total money wagered by individuals on one or more horses or greyhounds in a particular horse or greyhound race to win, place or show, or combinations thereof, as established by the commission, and, except in the case of an interstate or intrastate combined wagering pool, held by the organization licensee pursuant to the parimutuel system of wagering. There is a separate parimutuel pool for win, for place, for show and for each of the other forms of betting provided for by the rules and regulations of the commission.

~~(aa)~~*(bb)* "Parimutuel wagering" means a form of wagering on the outcome of horse and greyhound races*, including historical horse races conducted by an historical horse race machine,* in which those who wager purchase tickets of various denominations on one or more horses or greyhounds and all wagers for each race are pooled and the winning ticket holders are paid prizes from such pool in amounts proportional to the total receipts in the pool.

~~(bb)~~*(cc)* "Race meeting" means one or more periods of racing days during a calendar year designated by the commission for which an organization licensee has been approved by the commission to hold live

~~or simulcast~~ horse or greyhound races *or simulcast horse races* at which parimutuel wagering is conducted, including such additional time as designated by the commission for the conduct of official business before and after the races.

~~(ee)~~*(dd)* "Racetrack facility" means a racetrack within Kansas used for the racing of horses or greyhounds, or both, including the track surface, grandstands, clubhouse, all animal housing and handling areas, other areas in which a person may enter only upon payment of an admission fee or upon presentation of authorized credentials and such additional areas as designated by the commission. *The term "racetrack facility" includes a facility used for the display of and wagering on simulcast races and the operation of historical horse race machines without any live horse or greyhound races being conducted.*

~~(dd)~~*(ee)* "Racing jurisdiction" or "jurisdiction" means a governmental authority ~~which~~ *that* is responsible for the regulation of live or simulcast racing in its jurisdiction.

~~(ee)~~*(ff)* "Racing or wagering equipment or services licensee" means any person, partnership, corporation or association licensed by the commission to provide integral racing or wagering equipment or services, as designated by the commission, to an organization licensee.

~~(ff)~~*(gg)* "Recognized greyhound owners' group" means the duly recognized group elected in accordance with rules and regulations of the commission by a majority of the Kansas licensed greyhound owners at the racetrack facility voting in the election. The commission may designate an organization such as the national greyhound association of Abilene, Kansas, to conduct the election.

~~(gg)~~*(hh)* "Recognized horsemen's group" means the duly recognized group, representing the breeds of horses running at a racetrack facility, elected in accordance with rules and regulations of the commission by a majority of the licensed owners and trainers at the racetrack facility voting in the election. If the licensee does not have a recognized horsemen's group, the commission shall designate as the recognized horsemen's group one that serves another organization licensee, but not one that serves a fair association organization licensee.

~~(hh)~~*(ii)* "Simulcast" means a live audio-visual broadcast of an actual horse ~~or greyhound~~ race at the time it is run.

~~(ii)~~*(jj)* "Takeout" means the total amount of money withheld from each parimutuel pool for the payment of purses, taxes and the share to be kept by the organization licensee. Takeout does not include the breakage. The balance of each pool less the breakage is distributed to the holders of winning parimutuel tickets.

Sec. 38. K.S.A. 74-8804 is hereby amended to read as follows: 74-8804. (a) During *live* race meetings *or simulcast racing operations*, the

commission and its designated employees may observe and inspect all racetrack facilities operated by licensees ~~and~~, all racetracks simulcasting races to racetrack facilities in Kansas *and all historical horse race machines*, including, but not limited to, all machines, equipment and facilities used for parimutuel wagering.

(b) Commission members and presiding officers may administer oaths and take depositions to the same extent and subject to the same limitations as would apply if the deposition was in aid of a civil action in the district court.

(c) The commission may examine, or cause to be examined by any agent or representative designated by the commission, any books, papers, records or memoranda of any licensee, or of any racetrack or business involved in simulcasting races to racetrack facilities in Kansas *or operating historical horse race machines*, for the purpose of ascertaining compliance with any provision of this act or any rule and regulation adopted hereunder.

(d) The commission may issue subpoenas to compel access to or for the production of any books, papers, records or memoranda in the custody or control of any licensee or officer, member, employee or agent of any licensee, or to compel the appearance of any licensee or officer, member, employee or agent of any licensee, or of any racetrack or business involved in simulcasting races to racetrack facilities in this state *or operating historical horse race machines*, for the purpose of ascertaining compliance with any of the provisions of this act or any rule and regulation adopted hereunder. Subpoenas issued pursuant to this subsection may be served upon individuals and corporations in the same manner provided in K.S.A. 60-304, and amendments thereto, for the service of process by any officer authorized to serve subpoenas in civil actions or by the commission or an agent or representative designated by the commission. In the case of the refusal of any person to comply with any such subpoena, the executive director may make application to the district court of any county where such books, papers, records, memoranda or person is located for an order to comply.

(e) The commission shall allocate equitably race meeting dates, racing days and hours to all organization licensees and assign such dates and hours so as to minimize conflicting dates and hours within the same geographic market area.

(f) The commission shall have the authority, after notice and an opportunity for hearing in accordance with rules and regulations adopted by the commission, to exclude, or cause to be expelled, from any race meeting or racetrack facility, or to prohibit a licensee from conducting business with any person:

(1) Who has violated the provisions of this act or any rule and regulation or order of the commission;

(2) who has been convicted of a violation of the racing or gambling laws of this or any other state or of the United States or has been adjudicated of committing as a juvenile an act which, if committed by an adult, would constitute such a violation; or

(3) whose presence, in the opinion of the commission, reflects adversely on the honesty and integrity of horse or greyhound racing or interferes with the orderly conduct of a race meeting.

(g) The commission shall review and approve all proposed construction and major renovations to racetrack facilities owned or leased by licensees.

(h) The commission shall review and approve all proposed contracts with racetracks or businesses involved in simulcasting races to racetrack facilities in Kansas *or operating historical horse race machines*.

(i) The commission may suspend a horse or greyhound from participation in races if such horse or greyhound has been involved in any violation of the provisions of this act or any rule and regulation or order of the commission.

(j) The commission, within 72 hours after any action taken by a steward or racing judge and upon appeal by any interested party or upon its own initiative, may overrule any decision of a steward or racing judge, other than a decision regarding disqualifications for interference during the running of a race, if the preponderance of evidence indicates that:

(1) The steward or racing judge mistakenly interpreted the law;

(2) new evidence of a convincing nature is produced; or

(3) the best interests of racing and the state may be better served.

A decision of the commission to overrule any decision of a steward or racing judge shall not change the distribution of parimutuel pools to the holders of winning tickets. A decision of the commission which would affect the distribution of purses in any race shall not result in a change in that distribution unless a written claim is submitted to the commission within 48 hours after completion of the contested race by one of the owners or trainers of a horse or greyhound ~~which~~ *that* participated in such race and a preponderance of evidence clearly indicates to the commission that one or more of the grounds for protest, as provided for in rules and regulations of the commission, has been substantiated.

(k) *The commission shall review and approve all proposed historical horse race machines and all proposed types of wagering to be conducted on such machines.*

(l) The commission, after notice and a hearing in accordance with rules and regulations adopted by the commission, may impose a civil fine not exceeding $5,000 for each violation of any provision of this act, or any rule and regulation of the commission, for which no other penalty is provided.

~~(l)~~*(m)* The commission shall adopt rules and regulations specifying and regulating:

(1) Those drugs and medications ~~which~~ *that* may be administered, and possessed for administration, to a horse or greyhound within the confines of a racetrack facility; and

(2) that equipment for administering drugs or medications to horses or greyhounds ~~which~~ *that* may be possessed within the confines of a racetrack facility.

~~(m)~~*(n)* The commission may adopt rules and regulations providing for the testing of any licensees of the commission, and any officers, directors and employees thereof, to determine whether they are users of any controlled substances.

~~(n)~~*(o)* The commission shall require fingerprinting of all persons necessary to verify qualification for employment by the commission or to verify qualification for any license, including a simulcasting license, issued pursuant to this act. The commission shall submit such fingerprints to the Kansas bureau of investigation and to the federal bureau of investigation for the purposes of verifying the identity of such persons and obtaining records of criminal arrests and convictions.

~~(o)~~*(p)* The commission may receive from commission security personnel, the Kansas bureau of investigation or other criminal justice agencies, including, but not limited to, the federal bureau of investigation and the federal internal revenue service, such criminal history record information (including arrest and nonconviction data), criminal intelligence information and information relating to criminal and background investigations as necessary for the purpose of determining qualifications of licensees of the commission, employees of the commission, applicants for employment by the commission, and applicants for licensure by the commission, including applicants for simulcasting licenses. Upon the written request of the chairperson of the commission, the commission may receive from the district courts such information relating to juvenile proceedings as necessary for the purpose of determining qualifications of employees of and applicants for employment by the commission and determining qualifications of licensees of and applicants for licensure by the commission. Such information, other than conviction data, shall be confidential and shall not be disclosed except to members and employees of the commission as necessary to determine qualifications of such licensees, employees and applicants. Any other disclosure of such confidential information is a class A misdemeanor and shall constitute grounds for removal from office, termination of employment or denial, revocation or suspension of any license issued under this act.

~~(p)~~*(q)* The commission, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed or executive meeting to receive and discuss information received by the commission pursuant to

subsection (o) and to negotiate with licensees of or applicants for licensure by the commission regarding any such information.

~~(q)~~*(r)* The commission may enter into agreements with the federal bureau of investigation, the federal internal revenue service, the Kansas attorney general or any state, federal or local agency as necessary to carry out the duties of the commission under this act.

~~(r)~~*(s)* The commission shall adopt such rules and regulations as necessary to implement and enforce the provisions of this act.

Sec. 39. K.S.A. 74-8814 is hereby amended to read as follows: 74-8814. (a) *(1)* Subject to the provisions of subsection (b), the commission shall establish by rules and regulations an application fee not exceeding ~~$500 for any of the following which applies~~ *$50* for an organization license and ~~the~~ *a* license fee *of $25 for each day of racing approved by the commission* for any ~~of the following~~ *organization* granted an organization license ~~shall be $100 for each day of racing approved by the commission:~~.

~~(1)~~*(2)* Any fair association ~~other than the Greenwood county and Anthony fair associations, any~~, horsemen's nonprofit organization or the national greyhound association of Abilene, Kansas, *may apply for an organization license* if:

(A) Such ~~association~~ *organization* conducts not more than two race meetings each year;

(B) such race meets are held within the boundaries of the county where the applicant is located; and

(C) such race meetings are held for a total of not more than 40 days per year~~; or~~

~~(2) the Greenwood county fair association or a horsemen's nonprofit organization, with respect to race meetings conducted by such association or organization at Eureka Downs, or the Anthony fair association or a horsemen's nonprofit organization, with respect to race meetings conducted by such association or organization at Anthony Downs, for which the number of race meetings and days, and the dates thereof, shall be specified by the commission~~.

(b) The commission shall adopt rules and regulations providing for simplified and less costly procedures and requirements for fair associations and horsemen's nonprofit organizations applying for or holding a license to conduct race meetings.

(c) The Kansas racing and gaming commission shall investigate:

(1) The president, vice-president, secretary and treasurer of a fair association, and such other members as the commission considers necessary, to determine eligibility for an organization license;

(2) each officer and each director of a nonprofit horsemen's organization, and such other members or shareholders as the commission considers necessary to determine eligibility for an organization license.

(d) Except as otherwise provided by this section, all applicants for organization licenses for the conduct of race meetings pursuant to the provisions of this section shall be required to comply with all the provisions of K.S.A. 74-8813, and amendments thereto.

Sec. 40. K.S.A. 74-8823 is hereby amended to read as follows: 74-8823. (a) There is hereby imposed a tax on the gross sum wagered by the parimutuel method as follows:

(1) Of the total daily takeout from parimutuel pools for live horse races conducted in this state, a tax at the rate of $^{3}/_{18}$;

(2) except as provided by subsection (a)(3), for live greyhound races conducted in this state at a racetrack facility for the racing of only greyhounds:

(A) During the first four years when racing with parimutuel wagering is conducted at such facility, a tax at the rate of $^{3}/_{18}$ of the total daily takeout from parimutuel pools for live greyhound races; and

(B) thereafter, from parimutuel pools for each live greyhound performance, a tax at the rate of $^{3}/_{18}$ of the first $400,000 wagered, $^{4}/_{18}$ of the next $200,000 wagered and $^{5}/_{18}$ of any amounts wagered exceeding $600,000;

(3) for live greyhound races conducted in this state at a dual racetrack facility or at a racetrack facility owned by a licensee whose license authorizes the construction of a dual racetrack facility:

(A) During the first seven years when racing with parimutuel wagering is conducted at such facility, a tax at the rate of $^{3}/_{18}$ of the total daily takeout from parimutuel pools for live greyhound races; and

(B) thereafter, from parimutuel pools for each live greyhound performance, a tax at the rate of $^{3}/_{18}$ of the first $600,000 wagered, $^{4}/_{18}$ of the next $200,000 wagered and $^{5}/_{18}$ of any amounts wagered exceeding $800,000;~~ and~~

(4) of the total daily takeout from amounts wagered in this jurisdiction on simulcast races displayed in this state, a tax at the rate of $^{3}/_{18}$*; and*

(5) of the total amount wagered on historical horse races, a tax at the rate of 3%.

(b) The tax imposed by this section shall be no less than 3% nor more than 6% of the total money wagered each day at a racetrack facility.

(c) The tax imposed by this section shall be remitted to the commission by each organization licensee by the next business day following the day on which the wagers took place. The commission shall remit any such tax moneys received 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 racing fund created by K.S.A. 74-8826, and amendments thereto, except as provided by K.S.A. 74-8838, and amendments thereto.

(d) The commission shall audit and verify that the amount of tax received from each organization licensee hereunder is correct.

(e) Nothing in this section shall be construed to impose any tax on amounts wagered on electronic gaming machine games operated pursuant to the Kansas expanded lottery act.

Sec. 41. K.S.A. 74-8836 is hereby amended to read as follows: 74-8836. (a) Any organization licensee that ~~conducts~~ *schedules to conduct* at least 150 days of live *greyhound racing or 60 days of live or simulcast horse* racing during a calendar year or a fair association that conducts fewer than 22 days of live *greyhound racing or 40 days of live horse* racing during a calendar year may apply to the commission for a simulcasting license to display simulcast horse ~~or greyhound~~ races and to conduct intertrack parimutuel wagering thereon. If the organization licensee conducts races at a racetrack facility that is owned by a facility owner licensee, both licensees shall join in the application. ~~A simulcasting license granted to a fair association that conducts fewer than 22 days of live racing shall restrict the fair association's display of simulcast races to a number of days, including days on which it conducts live races, equal to not more than twice the number of days on which it conducts live races.~~

(b) (1) A simulcasting license granted to ~~an organization licensee other than~~ a fair association shall authorize the display of simulcast races at the racetrack facility where the ~~live~~ races are conducted ~~so long as the licensee conducts at least eight live races per day and an average of 10 live races per day per week. If a simulcasting licensee conducts live horse races on a day when simulcast races are displayed by the licensee and the licensee conducts fewer than an average of 10 live horse races per day per week, not less than 80% of the races on which wagers are taken by the licensee during such week shall be live races conducted by the licensee unless approved by the recognized horsemen's group or upon a finding by the commission that the organization licensee was unable to do so for reasonable cause. If a simulcast licensee conducts live greyhound races on a day when simulcast races are displayed by the licensee and the licensee schedules fewer than 13 live greyhound races during a performance on such day, not less than 80% of the races on which wagers are taken by the licensee during such performance shall be live races conducted by the licensee.~~

~~(2) A simulcasting license granted to a fair association shall authorize the display of simulcast races at the racetrack facility where the races are conducted only if live races are scheduled for two or more days of the same calendar week, except that the licensee may conduct simulcast races in the week immediately before and immediately after a live meeting if the total number of days on which simulcast races are displayed does not exceed the total authorized in subsection (a). In no case shall the live meet~~

~~or simulcast races allowed under this subsection exceed 10 consecutive weeks. For purposes of this subsection, a calendar week shall be measured from Monday through the following Sunday.~~

~~(3) Notwithstanding the provisions of subsection (a), (b)(1) or (b)(2), a fair association may apply to the commission for not more than five additional days of simulcasting of special events. In addition, the commission may authorize a fair association to display additional simulcast races but, if such fair association is less than 100 miles from an organization licensee that is not a fair association, it also shall secure written consent from that organization licensee~~.

~~(4)~~*(2)* Notwithstanding the provisions of subsection (b)(1), if an emergency causes the cancellation of all or any live races scheduled for a day or performance by a simulcasting licensee, the commission or the commission's designee may authorize the licensee to display any simulcast races previously scheduled for such day or performance.

~~(5)~~*(3)* Notwithstanding the provisions of subsection (b)(1), the commission may authorize the licensee to display simulcast special racing events as designated by the commission.

(c) The application for a simulcasting license shall be filed with the commission at a time and place prescribed by rules and regulations of the commission. The application shall be in a form and include such information as the commission prescribes.

(d) To qualify for a simulcasting license the applicant shall:

(1) Comply with the interstate horse racing act of 1978~~(~~, 15 U.S.C. § 3001 et seq.~~)~~, as in effect December 31, 1991;

(2) submit with the application a written approval of the proposed simulcasting schedule signed by: (A) the recognized horsemen's group for the track, if the applicant is licensed to conduct only horse races; (B) ~~the recognized greyhound owners' group, if the applicant is licensed to conduct only greyhound races and only greyhound races are to be simulcast; (C)~~ both the recognized greyhound owners' group and a recognized horsemen's group, if the applicant is licensed to conduct only greyhound races and horse races are to be simulcast; ~~(D) the recognized greyhound owners' group, if the applicant is licensed to conduct both greyhound and horse races, only greyhound races are to be simulcast and races are to be simulcast only while the applicant is conducting live greyhound races; (E)~~ *or (C)* the recognized horsemen's group for the track, if the applicant is licensed to conduct both greyhound and horse races, only horse races are to be simulcast and races are to be simulcast only while the applicant is conducting live horse races~~; or (F) both the recognized greyhound owners' group and the recognized horsemen's group for the track, if the applicant is licensed to conduct both greyhound races and horse races and horse races are to be simulcast while the applicant is conducting live~~

~~greyhound races or greyhound races are to be simulcast while the applicant is conducting live horse races~~; and

(3) submit, in accordance with rules and regulations of the commission and before the simulcasting of a race, a written copy of each contract or agreement ~~which~~ *that* the applicant proposes to enter into with regard to such race, and any proposed modification of any such contract or agreement.

(e) The term of a simulcasting license shall be one year.

(f) A simulcasting licensee may apply to the commission or its designee for changes in the licensee's approved simulcasting schedule if such changes are approved by the respective recognized greyhound owners' group or recognized horsemen's group needed throughout the term of the license. Application shall be made upon forms furnished by the commission and shall contain such information as the commission prescribes.

(g) Except as provided by subsection (j), the takeout for simulcast horse ~~and greyhound~~ races shall be the same as it is for the live horse and greyhound races conducted during the current or next live race meeting at the racetrack facility where the simulcast races are displayed*, or, if the simulcasting licensee does not conduct live races, then such takeout shall be the same as if the race has been a live race*. For simulcast races the tax imposed on amounts wagered shall be as provided by K.S.A. 74-8823, and amendments thereto. Of the balance of the takeout remaining after deduction of taxes, an amount equal to a percentage, to be determined by the commission, of the gross sum wagered on simulcast races shall be used for purses, as follows:

(1) ~~For greyhound races conducted by the licensee, if the simulcast race is a greyhound race and the licensee conducts only live greyhound races;~~

~~(2)~~ For horse races conducted by the licensee, if the simulcast race is a horse race and the licensee conducts only live horse races;

~~(3) for horse races and greyhound races, as determined by both the recognized horsemen's group and the recognized greyhound owners' group, if the simulcast race is a greyhound race and the licensee does not conduct or is not currently conducting live greyhound races;~~ or

~~(4)~~*(2)* for horse races and greyhound races, as determined by both the recognized horsemen's group and the recognized greyhound owners' group, if the simulcast is a horse race and the licensee does not conduct or is not currently conducting live horse races. That portion of simulcast purse money determined to be used for horse purses shall be apportioned by the commission to the various horse race meetings held in any calendar year based upon the number of live horse race dates comprising such horse race meetings in the preceding calendar year.

(h) Except as provided by subsection (j):

(1) If a simulcasting licensee has a license to conduct live horse races and the licensee displays a simulcast horse race:

(A) All breakage proceeds shall be remitted by the licensee to the commission not later than the 15th day of the month following the race from which the breakage is derived and the commission shall remit any such proceeds received 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 horse breeding development fund created by K.S.A. 74-8829, and amendments thereto; and

(B) all unclaimed ticket proceeds shall be remitted by the licensee to the commission on the 61st day after the end of the calendar year and the commission shall remit any such proceeds received 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 horse breeding development fund created by K.S.A. 74-8829, and amendments thereto.

(2) ~~If a simulcasting licensee has a license to conduct live greyhound races and the licensee displays a simulcast greyhound race, breakage and unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 74-8821 and 74-8822, and amendments thereto, for breakage and unclaimed winning ticket proceeds from live greyhound races.~~

~~(3) If a simulcasting licensee has a license to conduct live racing of only horses and the licensee displays a simulcast greyhound race, unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 74-8822, and amendments thereto, for unclaimed winning ticket proceeds from live greyhound races. Breakage for such races shall be distributed for use to benefit greyhound racing as determined by the commission.~~

~~(4)~~ If a simulcasting licensee has a license to conduct live racing of only greyhounds and the licensee displays a simulcast horse race:

(A) All breakage proceeds shall be remitted by the licensee to the commission not later than the 15th day of the month following the race from which the breakage is derived and the commission shall remit any such proceeds received 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 horse breeding development fund created by K.S.A. 74-8829, and amendments thereto; and

(B) all unclaimed ticket proceeds shall be remitted by the licensee to the commission on the 61st day after the end of the calendar year and the commission shall remit any such proceeds received 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 horse breeding development fund created by K.S.A. 74-8829, and amendments thereto.

(i) The commission may approve a request by two or more simulcasting licensees to combine wagering pools within the state of Kansas pursuant to rules and regulations adopted by the commission.

(j) (1) The commission may authorize any simulcasting licensee to participate in an interstate combined wagering pool with one or more other racing jurisdictions.

(2) If a licensee participates in an interstate pool, the licensee may adopt the takeout of the host jurisdiction or facility. The amount and manner of paying purses from the takeout in an interstate pool shall be as provided by subsection (g).

(3) The tax imposed on amounts wagered in an interstate pool shall be as provided by K.S.A. 74-8823, and amendments thereto. Parimutuel taxes may not be imposed on any amounts wagered in an interstate combined wagering pool other than amounts wagered within this jurisdiction.

(4) Breakage for interstate combined wagering pools shall be calculated in accordance with the statutes and rules and regulations of the host jurisdiction and shall be allocated among the participating jurisdictions in a manner agreed to among the jurisdictions. Breakage allocated to this jurisdiction shall be distributed as provided by subsection (h).

(5) Upon approval of the respective recognized greyhound owners' group or recognized horsemen's group, the commission may permit an organization licensee to simulcast to other racetrack facilities or off-track wagering or intertrack wagering facilities in other jurisdictions one or more races conducted by such licensee, use one or more races conducted by such licensee for an intrastate combined wagering pool or use one or more races conducted by such licensee for an interstate combined wagering pool at off-track wagering or intertrack wagering locations outside the commission's jurisdiction and may allow parimutuel pools in other jurisdictions to be combined with parimutuel pools in the commission's jurisdiction for the purpose of establishing an interstate combined wagering pool.

(6) The participation by a simulcasting licensee in a combined interstate wagering pool does not cause that licensee to be considered to be doing business in any jurisdiction other than the jurisdiction in which the licensee is physically located.

(k) If the organization licensee, facility owner licensee, if any, and the recognized horsemen's group or recognized greyhound owners' group are unable to agree concerning a simulcasting application, the matter may

be submitted to the commission for determination at the written request of any party in accordance with rules and regulations of the commission.

(l) This section shall be *a* part of and supplemental to the Kansas parimutuel racing act.

Sec. 42. K.S.A. 79-4805 is hereby amended to read as follows: 79-4805. (a) There is hereby established in the state treasury the problem gambling and addictions grant fund. All moneys credited to such fund shall be used only for the awarding of grants under this section. Such fund shall be administered in accordance with this section and the provisions of appropriation acts.

(b) All expenditures from the problem gambling and addictions grant fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved in the manner prescribed by law.

(c) (1) There is hereby established a state grant program to provide assistance for the direct treatment of persons diagnosed as suffering from pathological gambling and to provide funding for research ~~regarding the impact of gambling on~~, *prevention and recovery for the* residents of Kansas. Research grants awarded under this section may include, but need not be limited to, grants for determining the effectiveness of education and prevention efforts on the prevalence of pathological gambling in Kansas. All grants shall be made after open solicitation of proposals and evaluation of proposals against criteria established in rules and regulations adopted by the secretary of the Kansas department for aging and disability services. Both public and private entities shall be eligible to apply for and receive grants under the provisions of this section. *The secretary shall ensure that an adequate problem gambling treatment services network is available in Kansas to individuals seeking treatment for a pathological gambling disorder.*

(2) Moneys in the problem gambling and addictions grant fund ~~may~~ *shall* be used ~~to~~*:*

(A) To fund a helpline with text messaging and chat capabilities; and

(B) for the treatment, research, education or prevention of pathological gambling.

(3) Moneys in the problem gambling and addictions grant fund that are not used for the purposes described in paragraph (2) shall be used to treat alcoholism, drug abuse ~~and~~, other addictive behaviors *and other co-occurring behavioral health disorders*.

(d) The secretary for aging and disability services is hereby authorized to receive moneys from any grants, gifts, contributions or bequests made for the purpose of funding grants under this section and to expend such moneys for the purpose for which received.

(e) All grants made in accordance with this section shall be made from the problem gambling and addictions grant fund. The secretary shall ad-

minister the provisions of this section and shall adopt rules and regulations establishing criteria for qualification to receive grants and such other matters deemed necessary by the secretary for the administration of this section. Such rules and regulations shall include, but need not be limited to, a requirement that each recipient of a grant to provide treatment for pathological gamblers report at least annually to the secretary the grantee's measurable achievement of specific outcome goals.

(f) *On or before January 15, 2023, and each January 15 thereafter, the secretary for aging and disability services shall prepare and submit a report on expenditures from the problem gambling and addictions grant fund to the standing committees on federal and state affairs of the senate and house of representatives.*

(g) For the purpose of this section "pathological gambling" means the disorder by that name described in the most recent edition of the *American psychiatric association's* diagnostic and statistical manual.

~~(g)~~*(e)* ~~On the effective date of this act the director of accounts and reports shall transfer all moneys in the problem gambling grant fund to the problem gambling and addictions grant fund. Thereupon the problem gambling grant fund shall be and is hereby abolished~~*The problem gambling and addictions grant 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 in this fund shall remain intact and inviolate for the purposes set forth in this section*.

Sec. 43. K.S.A. 79-4806 is hereby amended to read as follows: 79-4806. On July 1 of each year or as soon thereafter as sufficient moneys are available, ~~$80,000~~ *$100,000* credited to the state gaming revenues fund shall be transferred and credited to the problem gambling *and addictions* grant fund established by K.S.A. 79-4805, and amendments thereto.

Sec. 44. K.S.A. 46-2301, 74-8702, 74-8710, 74-8711, 74-8716, 74-8733, 74-8734, 74-8751, 74-8752, 74-8756, 74-8757, 74-8760, 74-8761, 74-8772, 74-8802, 74-8804, 74-8814, 74-8823, 74-8836, 79-4805 and 79-4806 and K.S.A. 2021 Supp. 21-6403, 21-6507 and 21-6508 are hereby repealed.

Sec. 45. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 12, 2022.

CHAPTER 92

Senate Substitute for HOUSE BILL No. 2495
(Amends Chapter 78)

AN ACT concerning law enforcement; relating to criminal history record information; requiring the retention of fingerprint information; participation in the rap back program; limiting access to fingerprints and records relating to fingerprints; relating to privacy rights on real property; imposing restrictions on surveillance by employees of the Kansas department of wildlife and parks; expanding the jurisdiction and powers of law enforcement officers; relating to search and seizure; extending the time within which a search warrant may be executed; clarifying information exchange in investigations of child abuse between the Kansas department for children and families and law enforcement agencies; directing the department to release certain information to law enforcement agencies; amending K.S.A. 38-2210, 38-2211, 38-2212 and 72-6146 and K.S.A. 2021 Supp. 22-2401a and 22-2506 and repealing the existing sections; also repealing section 1 of 2022 House Bill No. 2299 and section 2 of 2022 House Bill No. 2299 and K.S.A. 38-2210, as amended by section 5 of 2022 House Bill No. 2299, 38-2211, as amended by section 6 of 2022 House Bill No. 2299, 38-2212, as amended by section 7 of 2022 House Bill No. 2299, and 72-6146, as amended by section 8 of 2022 House Bill No. 2299, and K.S.A. 2021 Supp. 22-2401a, as amended by section 3 of 2022 House Bill No. 2299, and 22-2506, as amended by section 4 of 2022 House Bill No. 2299.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) (1) An applicant, employee or volunteer who is subject to a criminal history record check shall provide to the requesting authorized entity written consent to obtain the applicant's, employee's or volunteer's fingerprints to conduct a criminal history record check and participate in the rap back program for the purpose of determining suitability or fitness for a permit, license, employment or volunteer service.

(2) An authorized entity shall notify each applicant, employee or volunteer subject to a criminal history record check:

(A) That fingerprints shall be retained by the Kansas bureau of investigation and the federal bureau of investigation for all current and future purposes and uses authorized for fingerprint submission; and

(B) when fingerprints will be enrolled in the rap back program.

(b) Fingerprints and records relating to fingerprints obtained by the Kansas bureau of investigation for a fingerprint-based criminal history record check shall be searched against:

(1) Known criminal fingerprints to determine if a criminal history record exists; and

(2) latent fingerprints entered into the unsolved latent fingerprint file.

(c) (1) A criminal history record check shall only be completed for the purpose for which such check was requested. Any additional record checks shall require the submission of a new set of fingerprints.

(2) An authorized entity enrolled in rap back shall immediately notify the Kansas bureau of investigation when such entity is no longer entitled

to receive criminal history record information relating to a particular person enrolled in rap back. The Kansas bureau of investigation shall cancel the enrollment, and updates to criminal history record information shall no longer be provided to such entity.

(d) (1) Fingerprints and records relating to fingerprints acquired by the Kansas bureau of investigation shall be available only to authorized entities entitled to obtain the information. No employee of the Kansas bureau of investigation shall disclose any records of fingerprints or records relating to the fingerprints acquired in the performance of any of the employee's duties under this section to any person not authorized to receive the information pursuant to state or federal law. No person acquiring the records of fingerprints, records relating to fingerprints or any information concerning any individual shall disclose such information to any person who is not authorized to receive such information.

(2) Any intentional disclosure of such information in violation of this section is a class A nonperson misdemeanor.

(e) As used in this section:

(1) "Authorized entity" means an agency or entity with authorization under state or federal law to conduct a fingerprint-based criminal history record check;

(2) "criminal history record check" means the submission of fingerprints and demographic information by an authorized entity to the Kansas bureau of investigation for the purpose of receiving criminal history record results; and

(3) "rap back" means the state or federal system that enables an authorized entity to receive ongoing notifications of criminal history record updates for individuals whose fingerprints are enrolled.

New Sec. 2. (a) Except as provided in subsection (b), no employee of the Kansas department of wildlife and parks authorized to enforce the laws of the state of Kansas pursuant to K.S.A. 32-808, and amendments thereto, shall conduct surveillance on private property unless authorized pursuant to a lawfully issued warrant, court order or subpoena, the constitution of the United States or one of the following exceptions to the search warrant requirement:

(1) Exigent circumstances;

(2) consent searches; or

(3) the plain view doctrine.

(b) The provisions of subsection (a) shall not apply to any activities of an employee of the Kansas department of wildlife and parks when the purpose of the surveillance is to locate and retrieve a missing person.

(c) As used in this section:

(1) "Surveillance" means the installation and use of electronic equipment or devices on private property, including, but not limited to, the

installation and use of a tracking device, video camera or audio recording device, to monitor activity or collect information related to the enforcement of the laws of the state of Kansas; and

(2) "tracking device" means the same as defined in K.S.A. 22-2502, and amendments thereto.

Sec. 3. K.S.A. 2021 Supp. 22-2401a is hereby amended to read as follows: 22-2401a. *(a)* (1) Law enforcement officers employed by consolidated county law enforcement agencies or departments and sheriffs and their deputies may exercise ~~their powers as~~ *the powers and authority of* law enforcement officers~~:~~

~~(a)~~ — anywhere within their county~~; and~~

~~(b) in any other place when a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person~~.

(2) Law enforcement officers employed by any city may exercise ~~their powers as~~ *the powers and authority of* law enforcement officers~~:~~

~~(a)~~ — anywhere within the city limits of the city employing them and outside of such city when on property owned or under the control of such city~~; and~~

~~(b) in any other place when a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person~~.

~~(3) (a)~~ *(b) (1)* Law enforcement officers employed by a Native American Indian Tribe may exercise *the* powers *and authority* of law enforcement officers anywhere within the exterior limits of the reservation of the tribe employing such tribal law enforcement officer, subject to the following:

~~(i)~~*(A)* The provisions of ~~subsection (3)(a)~~ *this paragraph* shall be applicable only as long as such Native American Indian Tribe maintains in force a valid and binding agreement with an insurance carrier to provide liability insurance coverage for damages arising from the acts, errors or omissions of such tribal law enforcement agency or officer while acting pursuant to this section and waives its tribal immunity, as provided in ~~subsection (3)(b)~~ *paragraph (2)*, for any liability for damages arising from the acts, errors or omissions of such tribal law enforcement agency or officer while acting pursuant to this section. Such insurance policy shall: ~~(A) (1)~~ *(i) (a)* Be in an amount not less than $500,000 for any one person and $2,000,000 for any one occurrence for personal injury and $1,000,000 for any one occurrence for property damage; ~~(2)~~ *(b)* be in an amount not less than $2,000,000 aggregate loss limit; and ~~(3)~~ *(c)* carry an endorsement to provide coverage for mutual aid assistance; and ~~(B)~~ *(ii)* include an endorsement providing that the insurer may not invoke tribal sovereign immunity up to the limits of the policy set forth herein. Any insurance car-

rier providing to a tribe the liability insurance coverage described in this subsection shall certify to the attorney general that the tribe has in effect coverage which complies with the requirements of this subsection. Such carrier shall notify the attorney general immediately by first class mail if for any reason such coverage terminates or no longer complies with the requirements of this subsection.

~~(ii)~~*(B)* The provisions of ~~subsection (3)(a)~~ *this paragraph* shall be applicable only if such Native American Indian Tribe has filed with the county clerk a map clearly showing the boundaries of the tribe's reservation as defined in this section.

~~(b)~~*(2)* If a claim is brought against any tribal law enforcement agency or officer for acts committed by such agency or officer while acting pursuant to this section, such claim shall be subject to disposition as if the tribe was the state pursuant to the Kansas tort claims act, provided that such act shall not govern the tribe's purchase of insurance. The tribe shall waive its sovereign immunity solely to the extent necessary to permit recovery under the liability insurance, but not to exceed the policy limits.

~~(c)~~*(3)* Nothing in this subsection ~~(3)~~ shall be construed to prohibit any agreement between any state, county or city law enforcement agency and any Native American Indian Tribe.

~~(d)~~*(4)* Nothing in this subsection ~~(3)~~ shall be construed to affect the provision of law enforcement services outside the exterior boundaries of reservations so as to affect in any way the criteria by which the United States department of the interior makes a determination regarding placement of land into trust.

~~(e)~~*(5)* Neither the state nor any political subdivision of the state shall be liable for any act or failure to act by any tribal law enforcement officer.

~~(4)~~*(c)* University police officers employed by the chief executive officer of any state educational institution or municipal university may exercise ~~their powers as~~ *the powers and authority of* university police officers:

~~(a)~~*(1)* On property owned, occupied or operated by the state educational institution or municipal university, by a board of trustees of the state educational institution, an endowment association, an affiliated corporation, an athletic association, a fraternity, sorority or other student group associated with the state educational institution or municipal university or at the site of a function or academic program sponsored by the state educational institution or municipal university;

~~(b)~~*(2)* on the streets, property and highways immediately adjacent to and coterminous with the property described in ~~subsection (4)(a)~~ *paragraph (1)*;

~~(c)~~*(3)* within the city or county where ~~such property as described in this subsection~~ *property described in paragraph (1) or (2)* is located, as necessary to protect the health, safety and welfare of students and faculty

of the state educational institution or municipal university, with appropriate agreement by the local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Any agreement entered into pursuant to this provision shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the chief executive officer of the state educational institution or municipal university involved before such agreement may take effect;

~~(d)~~*(4)* additionally, when there is reason to believe that a violation of a state law, a county resolution, or a city ordinance has occurred on property described in ~~subsection (4)(a) or (b)~~ *paragraph (1) or (2)*, such officers with appropriate notification of, and coordination with, local law enforcement agencies or departments, may investigate and arrest persons for such a violation anywhere within the city where such property, streets and highways are located. Such officers also may exercise such powers in any other place when in fresh pursuit of a person. University police officers shall also have authority to transport persons in custody to an appropriate facility, wherever it may be located. University police officers at the university of Kansas medical center may provide emergency transportation of medical supplies and transplant organs; and

~~(e)~~*(5)* additionally, pursuant to a written agreement between the university of Kansas hospital authority and the university of Kansas medical center, university police officers employed by the university of Kansas medical center may exercise their powers as law enforcement officers on property owned, occupied or operated by the university of Kansas healthcare system or university of Kansas hospital authority as authorized by this section and K.S.A. 76-726 and 76-3314, and amendments thereto.

~~(5)~~*(d)(1)* In addition to the areas where law enforcement officers may exercise ~~their powers~~ *the powers and authority of law enforcement officers* pursuant to subsection ~~(2)~~ *(a)(2)*, law enforcement officers of any jurisdiction within Johnson or Sedgwick county may exercise ~~their powers as~~ *the powers and authority of* law enforcement officers in any area within the respective county when executing a valid arrest warrant or search warrant, to the extent necessary to execute such warrants.

~~(6) In addition to the areas where university police officers may exercise their powers pursuant to subsection (4), university police officers may exercise the powers of law enforcement officers in any area outside their normal jurisdiction when a request for assistance has been made by law enforcement officers from the area for which assistance is requested.~~

~~(7)~~*(2)* In addition to the areas where law enforcement officers may exercise ~~their powers~~ *the powers and authority of law enforcement officers* pursuant to subsection ~~(2)~~ *(a)(2)*, law enforcement officers of any

jurisdiction within Johnson county may exercise ~~their powers as~~ *the powers and authority as* law enforcement officers in any adjoining city within Johnson county when any crime, including a traffic infraction, has been or is being committed by a person in view of the law enforcement officer. A law enforcement officer shall be considered to be exercising such officer's powers pursuant to subsection ~~(2)~~ *(a)(2)*, when such officer is responding to the scene of a crime, even if such officer exits the city limits of the city employing the officer and further reenters the city limits of the city employing the officer to respond to such scene.

~~(8)~~*(e)* Campus police officers employed by a community college or school district may exercise the ~~power~~ *powers* and authority of law enforcement officers anywhere:

~~(a)~~*(1)* On property owned, occupied or operated by the school district or community college or at the site of a function sponsored by the school district or community college;

~~(b)~~*(2)* on the streets, property and highways immediately adjacent to and coterminous with property described in ~~subsection (8)(a)~~ *paragraph (1)*;

~~(c)~~*(3)* within the city or county where property described in ~~subsection (8)(a)~~ *paragraph (1) or (2)* is located, as necessary to protect the health, safety and welfare of students and faculty of the school district or community college, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions, defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Before any agreement entered into pursuant to this section shall take effect, it shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the board of education or board of trustees involved; *and*

~~(d)~~*(4)* with appropriate notification of and coordination with local law enforcement agencies, within the city or county where property described in ~~subsection (8)(a) or (8)(b)~~ *paragraph (1) or (2)* is located, when there is reason to believe that a violation of a state law, county resolution or city ordinance has occurred on such property, as necessary to investigate and arrest persons for such a violation~~;~~

~~(e) when in fresh pursuit of a person; and~~

~~(f) when transporting persons in custody to an appropriate facility, wherever it may be located~~.

~~(9)~~*(f)* TAG law enforcement officers employed by the adjutant general may exercise ~~their powers as police~~ *the powers and authority of law enforcement* officers anywhere:

~~(a)~~*(1)* On property owned or under the control of the Kansas national guard or any component under the command of the adjutant general;

~~(b)~~*(2)* on the streets, property and highways immediately adjacent to property owned or under the control of the Kansas national guard;

(3) within the city or county where ~~such property as described in subsection (9)(a) or (b)~~ *property described in paragraph (1) or (2)* is located, as necessary to protect such property; or to protect the health, safety and welfare of members of the national guard, reserve or employees of the United States department of defense, the United States department of homeland security or any branch of the United States military, with appropriate agreement by the local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Any agreement entered into pursuant to this provision shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the adjutant general before such agreement may take effect~~. In addition~~*; and*

(4) additionally, when there is reason to believe that a violation of a state law, a county resolution or a city ordinance has occurred on property described in ~~subsection (9)(a) or (b)~~ *paragraph (1) or (2)*, after providing appropriate notification to, and coordination with, local law enforcement agencies or departments, such officers may investigate and arrest persons for such a violation anywhere within the city or county where such property, streets and highways are located.~~ Such officers also may exercise such powers in any other place when in fresh pursuit of a person. TAG law enforcement officers shall also have authority to transport persons in custody to an appropriate facility, wherever it may be located.~~

~~(10)~~*(g)* Horsethief reservoir benefit district law enforcement officers may exercise the ~~power~~ *powers* and authority of law enforcement officers anywhere:

~~(a)~~*(1)* On property owned, occupied or operated by the benefit district or at the site of a function sponsored by the benefit district;

~~(b)~~*(2)* on the streets, property and highways immediately adjacent to and coterminous with property described in ~~subsection (10)(a)~~ *paragraph (1)*;

~~(c)~~*(3)* within the city or county where property described in ~~subsection (10)(a)~~ *paragraph (1) or (2)* is located, as necessary to protect the health, safety and welfare of benefit district employees, board members, volunteers and visitors, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Before any agreement entered into pursuant to this section shall take effect, it shall be approved by the govern-

ing body of the city or county, or both, having jurisdiction where such property is located, and the governing board of the horsethief reservoir benefit district; *and*

~~(d)~~*(4)* with appropriate notification of and coordination with local law enforcement agencies, within the city or county where property described in ~~subsection (10)(a) or (10)(b)~~ *paragraph (1) or (2)* is located, when there is reason to believe that a violation of a state law, county resolution or city ordinance has occurred on such property, as necessary to investigate and arrest persons for such a violation~~;~~

~~(e) when in fresh pursuit of a person; and~~

~~(f) when transporting persons in custody to an appropriate facility, wherever it may be located~~.

~~(11)~~*(h) All law enforcement officers not otherwise provided statewide jurisdiction may exercise the powers and authority of law enforcement officers anywhere when:*

(1) A request for assistance has been made by law enforcement officers from the area for which assistance is requested;

(2) in fresh pursuit of a person;

(3) transporting persons in custody to an appropriate facility, wherever such facility may be located; and

(4) investigating a crime that occurred within the law enforcement officer's jurisdiction, with appropriate notification to and coordination with a local law enforcement agency with jurisdiction where the investigation is to be conducted.

(i) In addition to the jurisdictional authority provided in this section and any other provision of law, all law enforcement officers may exercise the powers and authority of law enforcement officers when outside their described jurisdiction and when an activity is observed leading the officer to reasonably suspect a person is committing, has committed or is about to commit a crime and reasonably believe that a person is in imminent danger of death or bodily injury without immediate action, subject to the following:

(1) The officer is in an on-duty status, traveling in a law enforcement vehicle to or from work or traveling to a training or law enforcement function outside their jurisdiction;

(2) the officer reports the activity and their actions to a law enforcement agency with jurisdiction;

(3) the officer remains at the location of the activity and cooperates with officers responding from the jurisdiction of occurrence;

(4) the officer is in uniform or otherwise properly identified as a law enforcement officer; and

(5) the agency employing the officer may impose additional restrictions through written policies.

(j) As used in this section:

~~(a)~~*(1)* "Law enforcement officer" means:~~(i)~~ *(A)* Any law enforcement officer as defined in K.S.A. ~~22-2202~~ *74-5602*, and amendments thereto, *who is employed by a law enforcement agency described in this section*; or~~(ii)~~ *(B)* any tribal law enforcement officer who is employed by a Native American Indian Tribe and has completed successfully the initial and any subsequent law enforcement training required under the Kansas law enforcement training act.

~~(b)~~*(2)* "University police officer" means a police officer employed by the chief executive officer of:~~(i)~~ *(A)* Any state educational institution under the control and supervision of the state board of regents; or~~(ii)~~ *(B)* a municipal university.

~~(c)~~*(3)* "Campus police officer" means a school security officer designated as a campus police officer pursuant to K.S.A. 72-6146, and amendments thereto.

~~(d)~~*(4)* "Fresh pursuit" means pursuit, without unnecessary delay, of a person who has committed a crime, or who is reasonably suspected of having committed a crime.

~~(e)~~*(5)* "Native American Indian Tribe" means the Prairie Band Potawatomi Nation, Kickapoo Tribe in Kansas, Sac and Fox Nation of Missouri and the Iowa Tribe of Kansas and Nebraska.

~~(f)~~*(6)* "Reservation" means:

~~(i)~~*(A)* With respect to the Iowa Tribe of Kansas and Nebraska, the reservation established by treaties with the United States concluded May 17, 1854, and March 6, 1861;

~~(ii)~~*(B)* with respect to the Kickapoo Nation, the reservation established by treaty with the United States concluded June 28, 1862;

~~(iii)~~*(C)* with respect to the Prairie Band Potawatomi Nation in Kansas, the reservation established by treaties with the United States concluded June 5, 1846, November 15, 1861, and February 27, 1867; and

~~(iv)~~*(D)* with respect to the Sac and Fox Nation of Missouri in Kansas and Nebraska:~~(A)~~ *(i)* The reservation established by treaties with the United States concluded May 18, 1854, and March 6, 1861, and by acts of Congress of June 10, 1872 (17 Stat. 391), and August 15, 1876 (19 Stat. 208); and~~(B)~~ *(ii)* the premises of the gaming facility established pursuant to the gaming compact entered into between such nation and the state of Kansas, and the surrounding parcel of land held in trust which lies adjacent to and east of U.S. Highway 75 and adjacent to and north of Kansas Highway 20, as identified in such compact.

~~(g)~~*(7)* "TAG law enforcement officer" means a police officer employed by the adjutant general pursuant to K.S.A. 48-204, and amendments thereto.

~~(h)~~*(8)* "Horsethief reservoir benefit district law enforcement officer"

means a police officer employed by the horsethief reservoir benefit district pursuant to K.S.A. 82a-2212, and amendments thereto.

Sec. 4. K.S.A. 2021 Supp. 22-2506 is hereby amended to read as follows: 22-2506. (a) A search warrant shall be executed within ~~96 hours~~ *240 hours* from the time of issuance. If the warrant is executed the duplicate copy shall be left with any person from whom any things are seized or if no person is available the copy shall be left at the place from which the things were seized. Any warrant not executed within such time shall be void and shall be returned to the court of the magistrate issuing the same as "not executed."

(b) (1) A search warrant for a tracking device issued pursuant to ~~subsection (a)(2) of~~ K.S.A. 22-2502*(a)(2)*, and amendments thereto, shall be sealed by the court and no copy left or served except as discovery in a criminal prosecution.

(2) The law enforcement officer executing a search warrant issued pursuant to ~~subsection (a)(2) of~~ K.S.A. 22-2502*(a)(2)*, and amendments thereto, shall complete the installation of the tracking device within 15 days from the date of issuance. Such officer shall record on such warrant the exact date and time such tracking device was installed and the entire period during which such tracking device was used.

(3) (A) A tracking device shall be deactivated and removed as soon as practicable after the search warrant has expired. If removal of such tracking device is not possible, such tracking device shall be deactivated and shall not be reactivated without an additional warrant or extension of the original warrant and the search warrant return shall state the reasons removal has not been completed.

(B) A tracking device which has been deactivated may be accessed after the authorized warrant has expired solely for the purpose of collecting or retrieving tracking data obtained during the period specified by the search warrant.

(c) As used in this section:

(1) "Deactivate" means to discontinue the ability of a tracking device to determine or track the position or movement of a person or object; and

(2) "tracking data" and "tracking device" ~~have the same meanings~~ *mean the same* as defined in K.S.A. 22-2502, and amendments thereto.

Sec. 5. K.S.A. 38-2210 is hereby amended to read as follows: 38-2210. To facilitate investigation and ensure the provision of necessary services to children who may be in need of care and such children's families, the following persons and entities with responsibilities concerning a child who is alleged or adjudicated to be in need of care shall freely exchange information:

(a) The secretary.

(b) The secretary of corrections.

(c) ~~The~~ *A* law enforcement agency *investigating or* receiving such report. *Such information shall include information and records disclosed pursuant to K.S.A. 38-2212(e), and amendments thereto*.

(d) Members of a court appointed multidisciplinary team.

(e) An entity mandated by federal law or an agency of any state authorized to receive and investigate reports of a child known or suspected to be in need of care.

(f) A military enclave or Indian tribal organization authorized to receive and investigate reports of a child known or suspected to be in need of care.

(g) A county or district attorney with responsibility for filing a petition pursuant to K.S.A. 38-2214, and amendments thereto.

(h) A court services officer who has taken a child into custody pursuant to K.S.A. 38-2231, and amendments thereto.

(i) An intake and assessment worker.

(j) Any community corrections program which has the child under court ordered supervision.

(k) The department of health and environment or persons authorized by the department of health and environment pursuant to K.S.A. 65-512, and amendments thereto, for the purpose of carrying out responsibilities relating to licensure or registration of child care providers as required by article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(l) The interstate compact for juveniles compact administrator for the purpose of carrying out the responsibilities related to the interstate compact for juveniles.

Sec. 6. K.S.A. 38-2211 is hereby amended to read as follows: 38-2211. (a) *Access to the official file.* The following persons or entities shall have access to the official file of a child in need of care proceeding pursuant to this code:

(1) The court having jurisdiction over the proceedings, including the presiding judge and any court personnel designated by the judge.

(2) The parties to the proceedings and their attorneys.

(3) The guardian ad litem for a child who is the subject of the proceeding.

(4) A court appointed special advocate for a child who is the subject of the proceeding or a paid staff member of a court appointed special advocate program.

(5) Any individual, or any public or private agency or institution, having custody of the child under court order or providing educational, medical or mental health services to the child or any placement provider or potential placement provider as determined by the secretary or court services officer.

(6) A citizen review board.

(7) The secretary of corrections or any agents designated by the secretary of corrections.

(8) Any county or district attorney from another jurisdiction with a pending child in need of care matter regarding any of the same parties.

(9) Any other person when authorized by a court order, subject to any conditions imposed by the order.

(10) The commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.

(11) An investigating law enforcement agency.

(b) *Access to the social file.* The following persons or entities shall have access to the social file of a child in need of care proceeding pursuant to this code:

(1) The court having jurisdiction over the proceeding, including the presiding judge and any court personnel designated by the judge.

(2) The attorney for a party to the proceeding or the person or persons designated by an Indian tribe that is a party.

(3) The guardian ad litem for a child who is the subject of the proceeding.

(4) A court appointed special advocate for a child who is the subject of the proceeding or a paid staff member of a court appointed special advocate program.

(5) A citizen review board.

(6) The secretary.

(7) The secretary of corrections or any agents designated by the secretary of corrections.

(8) Any county or district attorney from another jurisdiction with a pending child in need of care matter regarding any of the same parties or interested parties.

(9) Any other person when authorized by a court order, subject to any conditions imposed by the order.

(10) An investigating law enforcement agency.

(c) *Preservation of records.* The Kansas state historical society shall be allowed to take possession for preservation in the state archives of any court records related to proceedings under the Kansas code for care of children whenever such records otherwise would be destroyed. No such records in the custody of the Kansas state historical society shall be disclosed directly or indirectly to anyone for 70 years after creation of the records, except as provided in subsections (a) and (b). Pursuant to subsections (a)(9) and (b)(9), a judge of the district court may allow inspection for research purposes of any court records in the custody of the Kansas state historical society related to proceedings under the Kansas code for care of children.

Sec. 7. K.S.A. 38-2212 is hereby amended to read as follows: 38-2212. (a) *Principle of appropriate access.* Information contained in confidential agency records concerning a child alleged or adjudicated to be in need of care may be disclosed as provided in this section *and shall be disclosed as provided in subsection (e).* Disclosure shall in all cases be guided by the principle of providing access only to persons or entities with a need for information that is directly related to achieving the purposes of this code.

(b) *Free exchange of information.* Pursuant to K.S.A. 38-2210, and amendments thereto, the secretary and juvenile intake and assessment agencies shall participate in the free exchange of information concerning a child who is alleged or adjudicated to be in need of care.

(c) *Necessary access.* The following persons or entities shall have access to information from agency records. Access shall be limited to information reasonably necessary to carry out their lawful responsibilities, to maintain their personal safety and the personal safety of individuals in their care, or to educate, diagnose, treat, care for or protect a child alleged to be in need of care. Information authorized to be disclosed pursuant to this subsection shall not contain information that identifies a reporter of a child who is alleged or adjudicated to be a child in need of care.

(1) A child named in the report or records, a guardian ad litem appointed for the child and the child's attorney.

(2) A parent or other person responsible for the welfare of a child, or such person's legal representative.

(3) A court-appointed special advocate for a child, a citizen review board or other advocate that reports to the court.

(4) A person licensed to practice the healing arts or mental health profession in order to diagnose, care for, treat or supervise:

(A) A child whom such service provider reasonably suspects may be in need of care;

(B) a member of the child's family; or

(C) a person who allegedly abused or neglected the child.

(5) A person or entity licensed or registered by the secretary of health and environment or approved by the secretary for children and families to care for, treat or supervise a child in need of care.

(6) A coroner or medical examiner when such person is determining the cause of death of a child.

(7) The state child death review board established under K.S.A. 22a-243, and amendments thereto.

(8) An attorney for a private party who files a petition pursuant to K.S.A. 38-2233(b), and amendments thereto.

(9) A foster parent, prospective foster parent, permanent custodian, prospective permanent custodian, adoptive parent or prospective adoptive parent. In order to assist such persons in making an informed decision

regarding acceptance of a particular child, to help the family anticipate problems that may occur during the child's placement, and to help the family meet the needs of the child in a constructive manner, the secretary shall seek and shall provide the following information to such persons as the information becomes available to the secretary:

(A) Strengths, needs and general behavior of the child;

(B) circumstances that necessitated placement;

(C) information about the child's family and the child's relationship to the family that may affect the placement;

(D) important life experiences and relationships that may affect the child's feelings, behavior, attitudes or adjustment;

(E) medical history of the child, including third-party coverage that may be available to the child; and

(F) education history, to include present grade placement, special strengths and weaknesses.

(10) The state protection and advocacy agency as provided by K.S.A. 65-5603(a)(10) or K.S.A. 74-5515(a)(2)(A) and (B), and amendments thereto.

(11) Any educational institution to the extent necessary to enable the educational institution to provide the safest possible environment for its pupils and employees.

(12) Any educator to the extent necessary to enable the educator to protect the personal safety of the educator and the educator's pupils.

(13) Any other federal, state or local government executive branch entity or any agent of such entity, having a need for such information in order to carry out such entity's responsibilities under the law to protect children from abuse and neglect.

(d) *Specified access.* The following persons or entities shall have access to information contained in agency records as specified. Information authorized to be disclosed pursuant to this subsection shall not contain information that identifies a reporter of a child who is alleged or adjudicated to be a child in need of care.

(1) Information from confidential agency records of the Kansas department for children and families, a law enforcement agency or any juvenile intake and assessment worker of a child alleged or adjudicated to be in need of care shall be available to members of the standing house or senate committee on judiciary, house committee on corrections and juvenile justice, house committee on appropriations, senate committee on ways and means, legislative post audit committee and any joint committee with authority to consider children's and families' issues, when carrying out such member's or committee's official functions in accordance with K.S.A. 75-4319, and amendments thereto, in a closed or executive meeting. Except in limited conditions established by ⅔ of the members of

such committee, records and reports received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate. The secretary for children and families shall not summarize the outcome of department actions regarding a child alleged to be a child in need of care in information available to members of such committees.

(2) The secretary for children and families may summarize the outcome of department actions regarding a child alleged to be a child in need of care to a person having made such report.

(3) Information from confidential reports or records of a child alleged or adjudicated to be a child in need of care may be disclosed to the public when:

(A) The individuals involved or their representatives have given express written consent; or

(B) the investigation of the abuse or neglect of the child or the filing of a petition alleging a child to be in need of care has become public knowledge, provided, however, that the agency shall limit disclosure to confirmation of procedural details relating to the handling of the case by professionals.

(e) Law enforcement access. The secretary shall disclose confidential agency records of a child alleged or adjudicated to be a child in need of care, as described in K.S.A. 38-2209, and amendments thereto, to the law enforcement agency investigating the alleged or substantiated report or investigation of abuse or neglect, regardless of the disposition of such report or investigation. Such records shall include, but not be limited to, any information regarding such report or investigation, records of past reports or investigations concerning such child and such child's siblings and the perpetrator or alleged perpetrator and the name and contact information of the reporter or persons alleging abuse or neglect and case managers, investigators or contracting agency employees assigned to or investigating such report. Such records shall only be used for the purposes of investigating the alleged or substantiated report or investigation of abuse or neglect.

~~(e)~~*(f) Court order.* Notwithstanding the provisions of this section, a court of competent jurisdiction, after in camera inspection, may order disclosure of confidential agency records pursuant to a determination that the disclosure is in the best interests of the child who is the subject of the reports or that the records are necessary for the proceedings of the court. The court shall specify the terms of disclosure and impose appropriate limitations.

~~(f)~~*(g)* (1) Notwithstanding any other provision of law to the contrary, except as provided in paragraph (6), in the event that child abuse or neglect results in a child fatality or near fatality, reports or records of a child

alleged or adjudicated to be in need of care received by the secretary, a law enforcement agency or any juvenile intake and assessment worker shall become a public record and subject to disclosure pursuant to K.S.A. 45-215, and amendments thereto.

(2) Within seven days of receipt of a request in accordance with the procedures adopted under K.S.A. 45-220, and amendments thereto, the secretary shall notify any affected individual that an open records request has been made concerning such records. The secretary or any affected individual may file a motion requesting the court to prevent disclosure of such record or report, or any select portion thereof. Notice of the filing of such motion shall be provided to all parties requesting the records or reports, and such party or parties shall have a right to hearing, upon request, prior to the entry of any order on such motion. If the affected individual does not file such motion within seven days of notification, and the secretary has not filed a motion, the secretary shall release the reports or records. If such motion is filed, the court shall consider the effect such disclosure may have upon an ongoing criminal investigation, a pending prosecution, or the privacy of the child, if living, or the child's siblings, parents or guardians, and the public's interest in the disclosure of such records or reports. The court shall make written findings on the record justifying the closing of the records and shall provide a copy of the journal entry to the affected parties and the individual requesting disclosure pursuant to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

(3) Notwithstanding the provisions of paragraph (2), in the event that child abuse or neglect results in a child fatality, the secretary shall release the following information in response to an open records request made pursuant to the Kansas open records act, within seven business days of receipt of such request, as allowed by applicable law:

(A) Age and sex of the child;

(B) date of the fatality;

(C) a summary of any previous reports of abuse or neglect received by the secretary involving the child, along with the findings of such reports; and

(D) any department recommended services provided to the child.

(4) Notwithstanding the provisions of paragraph (2), in the event that a child fatality occurs while such child was in the custody of the secretary for children and families, the secretary shall release the following information in response to an open records request made pursuant to the Kansas open records act, within seven business days of receipt of such request, as allowed by applicable law:

(A) Age and sex of the child;

(B) date of the fatality; and

(C) a summary of the facts surrounding the death of the child.

(5) For reports or records requested pursuant to this subsection, the time limitations specified in this subsection shall control to the extent of any inconsistency between this subsection and K.S.A. 45-218, and amendments thereto. As used in this section, "near fatality" means an act that, as certified by a person licensed to practice medicine and surgery, places the child in serious or critical condition.

(6) Nothing in this subsection shall allow the disclosure of reports, records or documents concerning the child and such child's biological parents that were created prior to such child's adoption. Nothing herein is intended to require that an otherwise privileged communication lose its privileged character.

Sec. 8. K.S.A. 72-6146 is hereby amended to read as follows: 72-6146. (a) The board of education of any school district or the board of trustees of any community college may employ school security officers, and may designate any one or more of such school security officers as a campus police officer, to aid and supplement law enforcement agencies of the state and of the city and county in which the school district or community college is located.

(b) The protective function of school security officers shall extend to all property of the school district or community college and the protection of students, teachers and other employees together with the property of such persons on or in any school or community college property or areas adjacent thereto, or while attending or located at the site of any school or community college-sponsored function. While engaged in the protective functions specified in this section, each school security officer shall possess and exercise all general law enforcement powers, rights, privileges, protections and immunities in every county in which there is located any part of the territory of the school district or community college.

(c) The protective function of campus police officers shall extend to all property of the school district or community college and the protection of students, teachers and other employees together with the property of such persons on or in any school or community college property or areas adjacent thereto, or while attending or located at the site of any school or community college-sponsored function. While engaged in the protective functions specified in this section, each campus police officer shall possess and exercise all general law enforcement powers, rights, privileges, protections and immunities in every county in which there is located any part of the territory of the school district or community college, provided that such officer does not violate the memorandum of understanding approved by the superintendent of the school district pursuant to K.S.A. 72-6143(i), and amendments thereto.

(d) ~~Campus police officers shall have the power and authority of law enforcement officers:~~

~~(1) On property owned, occupied or operated by the school district or community college or at the site of a function sponsored by the school district or community college;~~

~~(2) on the streets, property and highways immediately adjacent to and coterminous with property described in subsection (d)(1);~~

~~(3) within the city or county where property described in subsection (d)(1) is located, as necessary to protect the health, safety and welfare of students and faculty of the school district or community college, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions, defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Before any agreement entered into pursuant to this section shall take effect, it shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the board of education or board of trustees involved;~~

~~(4) with appropriate notification of and coordination with local law enforcement agencies, within the city or county where property described in subsection (d)(1) or (d)(2) is located, when there is reason to believe that a violation of a state law, county resolution or city ordinance has occurred on such property, as necessary to investigate and arrest persons for such a violation;~~

~~(5) when in fresh pursuit of a person; and~~

~~(6) when transporting persons in custody to an appropriate facility, wherever it may be located.~~

~~(e)~~ In addition to enforcement of state law, county resolutions and city ordinances, campus police officers shall enforce rules and regulations and rules and policies of the board of trustees or school board, whether or not violation thereof constitutes a criminal offense. While on duty, campus police officers shall wear and display publicly a badge of office. No such badge shall be required to be worn by any plain clothes investigator or departmental administrator, but any such officer shall present proper credentials and identification when required in the performance of such officer's duties. In performance of any of the powers, duties and functions authorized by this section, K.S.A. 22-2401a, and amendments thereto, or any other law, campus police officers shall have the same rights, protections and immunities afforded other law enforcement officers.

~~(f)~~*(e)* The board of education of each school district shall adopt a policy providing for notification of a student's parents or guardians whenever the student is taken into custody by a campus police officer.

Sec. 9. Section 1 of 2022 House Bill No. 2299 and section 2 of 2022 House Bill No. 2299 and K.S.A. 38-2210, 38-2210, as amended by section 5 of 2022 House Bill No. 2299, 38-2211, 38-2211, as amended by section

6 of 2022 House Bill No. 2299, 38-2212, 38-2212, as amended by section 7 of 2022 House Bill No. 2299, 72-6146 and 72-6146, as amended by section 8 of 2022 House Bill No. 2299, and K.S.A. 2021 Supp. 22-2401a, 22-2401a, as amended by section 3 of 2022 House Bill No. 2299, 22-2506 and 22-2506, as amended by section 4 of 2022 House Bill No. 2299, are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 12, 2022.

CHAPTER 93

SENATE BILL No. 313

AN ACT concerning motor vehicles; relating to autonomous motor vehicles; providing for the use and regulation thereof; establishing the autonomous vehicle advisory committee; amending K.S.A. 2021 Supp. 8-2106 and 8-2204 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. As used in sections 1 through 10, and amendments thereto, unless the context otherwise requires:

(a) "ADS-equipped vehicle" means a motor vehicle equipped with an automated driving system.

(b) "Automated driving system" means the hardware and software collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether the system is limited to a specific operational design domain, if any.

(c) "Conventional human driver" means a natural person who manually controls the in-vehicle accelerating, braking, steering and transmission gear selection input devices in order to operate a motor vehicle.

(d) "Driverless-capable vehicle" means an ADS-equipped vehicle capable of performing the entire dynamic driving task within the automated driving system's operational design domain, if any, including, but not limited to, achievement of a minimal risk condition without intervention or supervision by a conventional human driver.

(e) (1) "Dynamic driving task" means all real-time operational and tactical functions required to operate a motor vehicle on a highway in traffic within an automated driving system's specific operational design domain, if any.

(2) "Dynamic driving task" does not include any strategic function such as trip scheduling or the selection of destinations and waypoints.

(f) "Minimal risk condition" means a reasonably safe state to which an automated driving system brings an ADS-equipped vehicle upon experiencing a performance-relevant failure of the system that renders the system unable to perform the entire dynamic driving task, including, but not limited to, removing the vehicle to the nearest shoulder if the vehicle is capable of doing so, bringing the vehicle to a complete stop and activating the vehicle's emergency signal lamps.

(g) "On-demand driverless-capable vehicle network" means a transportation network company as defined in K.S.A. 8-2702, and amendments thereto, that uses a software application or other digital means to dispatch driverless-capable vehicles for the purposes of transporting persons or goods, including, but not limited to, transportation for hire and public transportation.

(h) "Operational design domain" means a set of operating conditions under which a given automated driving system feature is specifically designed to function. "Operational design domain" includes, but is not limited to, environmental, geographical and time-of-day restrictions or the requisite presence or absence of certain traffic or roadway characteristics.

(i) "Transportation for hire" means all transportation of property or passengers made available by a person for compensation.

New Sec. 2. (a) A driverless-capable vehicle may operate on the public highways of this state without a conventional human driver with the automated driving system engaged if the vehicle meets all of the following conditions:

(1) The vehicle is capable of achieving a minimal risk condition if a malfunction of the automated driving system occurs that renders the system unable to perform the entire dynamic driving task within the system's intended operational design domain, if any;

(2) while in driverless operation, the vehicle is capable of operating in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state that govern the performance of the dynamic driving task;

(3) when required by federal law, the vehicle bears the required manufacturer's certification label indicating that at the time of manufacture the vehicle has been certified to be in compliance with all applicable federal motor vehicle safety standards, including any reference to any exception granted by the national highway traffic safety administration; and

(4) the driverless-capable vehicle cannot exceed 34,000 pounds on tandem axles. The provisions of this paragraph shall expire and have no effect on and after July 1, 2025; and

(5) a conventional human driver shall be required to be physically present in every driverless-capable vehicle placed into service in Kansas for the 12 consecutive months from the date that such entity places a driverless-capable vehicle into service in this state. The provisions of this paragraph shall not apply to a person who operates a:

(A) Vehicle that is not designed, intended or marketed for human occupancy; or

(B) dedicated driverless-capable vehicle that lacks manual controls for operation by a conventional human driver.

(b) Prior to operating a driverless-capable vehicle on the public roads of this state without a conventional human driver, the owner of such driverless-capable vehicle shall submit a law enforcement interaction plan to the Kansas highway patrol that describes:

(1) How to communicate with a fleet support specialist who is available during the times the vehicle is in operation, and on which side of the vehicle contact information of the fleet support specialist is readily visible;

(2) information regarding safety considerations for first responders in dealing with a driverless-capable vehicle as the result of collision or fire;

(3) how to recognize whether the driverless-capable vehicle is in autonomous mode; and

(4) any additional information the manufacturer or owner deems necessary regarding hazardous conditions or public safety risks associated with the operation of the driverless-capable vehicle.

(c) (1) The operation of an ADS-equipped vehicle capable of performing the entire dynamic driving task within the automated driving system's operational design domain on the public highways of this state while a conventional human driver is present and expected to respond to a request to intervene, shall be lawful. During such operation, the conventional human driver shall possess a valid driver's license pursuant to K.S.A. 8-234b, and amendments thereto, and shall be subject to the required insurance, self-insurance or other financial security required pursuant to K.S.A. 40-3104, and amendments thereto. The conventional human driver shall operate the ADS-equipped vehicle according to the manufacturer's requirements and specifications and shall regain manual control of the vehicle when prompted by the automated driving system.

(2) An automated driving system, while engaged, shall be designed to operate within the system's operational design domain in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state that govern the performance of the dynamic driving task.

(d) Except as provided in this section, the motor vehicle laws of this state shall not be construed to require a conventional human driver to operate a driverless-capable vehicle that is being operated by an automated driving system. The automated driving system, while engaged, shall be deemed to fulfill any physical acts required of a conventional human driver to perform the dynamic driving task.

(e) Sections 1 through 10, and amendments thereto, shall not be construed to modify the responsibilities of a conventional human driver that operates a system-equipped vehicle when the automated driving system is not engaged.

New Sec. 3. Before an ADS-equipped vehicle is allowed to operate on the public highways of this state, the owner shall obtain insurance, self-insurance or other financial security coverage for the vehicle. An ADS-equipped vehicle shall not operate on the highways of this state unless insurance, self-insurance or other financial security coverage is in effect for the vehicle and unless proof of coverage is carried in the vehicle pursuant K.S.A. 40-3104, and amendments thereto.

New Sec. 4. In the event of an accident that would otherwise be subject to K.S.A. 8-1602 through 8-1606 and 8-1609, and amendments thereto, such provisions shall not apply to a driverless-capable vehicle op-

erating without a conventional human driver if the vehicle remains at the scene or in the immediate vicinity of the accident until law enforcement arrives or vehicle registration and insurance information is provided to the parties affected by the accident, and either:

(a) The vehicle owner, or a person acting on behalf of the vehicle owner, promptly contacts the applicable law enforcement agency to report the accident; or

(b) for a vehicle that has the capability of promptly alerting a law enforcement agency or emergency services, the vehicle alerts a law enforcement agency or emergency services to the accident.

New Sec. 5. A person may operate an on-demand driverless-capable vehicle network, with the exception that any provision of K.S.A. 8-2701 et seq., and amendments thereto, that only applies to a conventional human driver would not apply to the operation of a driverless-capable vehicle with the automated driving system engaged on an on-demand driverless-capable vehicle network. An on-demand driverless-capable vehicle network may be used to facilitate the transportation of persons or goods, including, but not limited to, transportation for hire and public transportation. An on-demand driverless-capable vehicle network may connect passengers to driverless-capable vehicles either exclusively or as part of a digital network that also connects passengers to conventional human drivers who provide transportation services, pursuant to K.S.A. 8-2701 et seq., and amendments thereto, or any other applicable laws, in vehicles that are not driverless-capable vehicles.

New Sec. 6. (a) (1) Automated driving systems and ADS-equipped vehicles shall be governed by:

(A) Sections 1 through 10, and amendments thereto; and

(B) all applicable traffic and motor vehicle safety laws.

(2) Automated driving systems and ADS-equipped vehicles shall be regulated exclusively by the Kansas highway patrol. Violations of state and local traffic laws are enforceable as if the vehicle has a licensed human driver on board.

(3) The superintendent of the highway patrol may adopt such rules and regulations necessary to carry out the provisions of sections 1 through 10, and amendments thereto.

(b) A political subdivision of the state shall not impose requirements, including, but not limited to, performance standards specific to the operation of ADS-equipped vehicles, automated driving systems or on-demand driverless-capable vehicle networks that are in addition to the requirements set forth pursuant to sections 1 through 10, and amendments thereto. A political subdivision of the state shall not impose a tax on ADS-equipped vehicles, automated driving systems or on-demand driverless-capable vehicle networks if such tax relates specifically to

the operation of ADS-equipped vehicles, automated driving systems or on-demand driverless-capable vehicle networks.

New Sec. 7. (a) A driverless-capable vehicle shall be properly registered in accordance with K.S.A. 8-127, and amendments thereto. If a driverless-capable vehicle is registered in this state, the vehicle shall be identified on the registration as a fully autonomous vehicle.

(b) A driverless-capable vehicle shall be properly titled in accordance with K.S.A. 8-135, and amendments thereto. If a driverless-capable vehicle is titled in this state, the vehicle shall be identified on the title as a driverless-capable vehicle.

New Sec. 8. A driverless-capable vehicle that is also a commercial motor vehicle pursuant to K.S.A. 8-143m, and amendments thereto, may operate pursuant to state laws governing the operation of commercial motor vehicles, except that:

(a) Any provision that reasonably only applies to a conventional human driver does not apply to such a vehicle operating with the automated driving system engaged; and

(b) such a vehicle shall not carry hazardous materials as defined in K.S.A. 48-904, and amendments thereto. The provisions of this subsection do not apply to transporting articles and substances prepared in accordance with 49 C.F.R. § 172.315 or that otherwise do not require placarding pursuant to the federal hazardous materials regulations provided in 49 C.F.R. parts 100 through 110. The provision of this subsection shall expire on January 1, 2025.

New Sec. 9. The uniform act regulating traffic on highways, to the extent practicable, shall be interpreted and applied for the use of a driverless-capable vehicle. Such provisions shall not require any additional provisions, including, but not limited to, operation by a conventional human driver seated in the vehicle.

New Sec. 10. A driverless-capable vehicle that is designed to be operated exclusively by the automated driving system for all trips is not subject to motor vehicle equipment laws or regulations of this state that:

(1) Support motor vehicle operation by a conventional human driver seated in the vehicle, including, but not limited to, mirrors, windshields and windshield wipers; and

(2) are not relevant for an automated driving system.

New Sec. 11. (a) There is created the autonomous vehicle advisory committee that will include the following members:

(1) Two members of the senate to be appointed by the president of the senate;

(2) one member of the senate to be appointed by the minority leader of the senate;

(3) two members of the house of representatives to be appointed by the speaker of the house of representatives;

(4) one member of the house of representatives to be appointed by the minority leader of the house of representatives;

(5) the director of vehicles or the director's designee;

(6) the secretary of transportation or the secretary's designee;

(7) the superintendent of the highway patrol or the superintendent's designee;

(8) two members appointed by the governor from labor organizations;

(9) two members appointed by the chairperson of the state corporation commission;

(10) one member appointed by the Kansas league of municipalities;

(11) one member appointed by the Kansas association of counties;

(12) one member appointed by the governor from the light-duty motor vehicle manufacturers;

(13) one member appointed by the governor from the original equipment manufacturers;

(14) one member appointed by the governor from the original equipment manufacturers trade association;

(15) one member appointed by the governor from the heavy-duty motor vehicle manufacturers;

(16) one member appointed by the governor from the automated driving system developers;

(17) one member appointed by the governor from the automated driving system developers trade association;

(18) one member appointed by the governor from the automated driving system manufacturers;

(19) one member appointed by the governor from the on-demand transportation network companies;

(20) one member appointed by the Kansas sheriffs' association;

(21) one member appointed by the Kansas state troopers association;

(22) one member appointed by ABATE of Kansas;

(23) one member appointed by the foundation for traffic safety; and

(24) one member appointed by the Kansas public transit association.

(b) The speaker of the house of representatives shall select one member of the autonomous vehicle advisory committee who is a member of the house of representatives to serve as chairperson of the advisory committee during even-numbered calendar years. The president of the senate shall select one member of the autonomous vehicle advisory committee who is a member of the senate to serve as chairperson of the advisory committee during odd-numbered calendar years.

(c) Members of the autonomous vehicle advisory committee shall serve without compensation.

(d) The autonomous vehicle advisory committee may meet in an open meeting at any time upon the call of the chairperson.

(e) On or before July 1, 2023, and each July 1 thereafter, the autonomous vehicle advisory committee shall submit to the governor, president of the senate and speaker of the house of representatives a report of activities and any recommendations regarding the use or regulation of autonomous motor vehicles in this state.

(f) The provisions of this section shall expire on July 1, 2027.

Sec. 12. K.S.A. 2021 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. 2021 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 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 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 appear in court 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 pay such fine and court costs or appear 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 appear and right to a trial and the person's right to pay the appropriate fine and court costs prior to the appearance date. The law enforcement officer shall provide the person with 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.

(h) A driverless-capable vehicle's registered owner shall be responsible for all applicable traffic law violations when the automated driving system is engaged. For the purposes of prosecution of traffic law violations, the owner is considered to be the operator of the vehicle when the automated driving system is engaged. A law enforcement officer shall deliver the written traffic citation to a person charged with a traffic infraction to the owner of the driverless-capable vehicle operating without a conventional human driver as such terms are defined by section 1, and amendments thereto, by sending the citation by certified mail to the address of the owner.

Sec. 13. K.S.A. 2021 Supp. 8-2204 is hereby amended to read as follows: 8-2204. This act shall be known and may be cited as the uniform act regulating traffic on highways. The uniform act regulating traffic on highways

includes ~~K.S.A. 8-1560a through 8-1560d,~~ all sections located in articles 10, 14 through 22 and 25 of chapter 8 of the Kansas Statutes Annotated~~,~~*, and amendments thereto,* K.S.A. 8-1,129, 8-1,130a, 8-1428a, *8-1560a through 8-1560d, 8-1599,* 8-1742a~~,~~ *and* 8-2118 ~~and K.S.A. 8-1599~~, and amendments thereto*, and sections 1 through 10, and amendments thereto*.

Sec. 14. K.S.A. 2021 Supp. 8-2106 and 8-2204 are hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 13, 2022.

CHAPTER 94

Senate Substitute for HOUSE BILL No. 2567

To	Sec.
Education, department of	1, 2, 4
Governor's department	3

An Act concerning education; making and concerning appropriations for fiscal years ending June 30, 2022, June 30, 2023, and June 30, 2024, for the state department of education; establishing the legislature's intention to focus on academic achievement; enacting the every child can read act to support literacy proficiency by third grade; authorizing the state board of education and school districts to allow students to earn course credit through alternative educational opportunities outside the traditional classroom; making members of or persons employed by the Kansas state high school activities association mandatory reporters of child abuse and neglect; requiring the board of education of each school district to consider the district building needs assessment and state academic assessments when approving the budget of the school district; requiring school districts to allow for part-time enrollment of certain students; allowing students to transfer to and attend school in any school district in the state; requiring school districts to set transfer capacity and adopt certain transfer policies; establishing an alternative method for calculating virtual school graduation rates; prohibiting virtual schools from offering or providing any financial incentives to attract a student to enroll; increasing virtual school state aid; authorizing virtual school state aid for students who are credit deficient; amending the tax credit for low income students scholarship program to allow students who are seven years of age or under to participate in the program without the need for prior enrollment in a public school; relating to state aid; removing federal impact aid from the determination of local foundation aid; requiring the state department of education to provide an annual written report on academic achievement outcomes; excluding Fort Leavenworth school district and virtual school students from the capital improvement state aid determination; extending the general obligation bond limitation; relating to the Kansas promise scholarship act; responsibilities of the state board of regents and postsecondary educational institutions relating thereto; authorizing designation of additional eligible programs and fields of study; increasing the limitation on reimbursements to Kansas educational institutions for educational benefits for spouses and dependents of deceased, injured or disabled public safety officers and employees and certain deceased, injured or disabled military personnel and prisoners of war; establishing requirements for the administration of certain non-academic tests, questionnaires, surveys and examinations; authorizing additional research and education programs under the Johnson county education research triangle authority act; amending K.S.A. 19-5005, 38-2223, 72-13,101, 72-3120, 72-3122, 72-3123, 72-3124, 72-3125, 72-3713, 72-3715, 72-5135, 72-5461 and 72-6316 and K.S.A. 2021 Supp. 72-1163, 72-4352, 72-5132, 72-5178, 72-5462, 74-32,271, 74-32,272, 74-32,273, 74-32,274, 74-32,275, 74-32,276 and 75-4364 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Education superhighway (652-00-1000-0180) $178,986
Supplemental state aid (652-00-1000-0840) $10,252,000

(b) On the effective date of this act, of the $14,109,493 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 2(a) of chapter 114 of the 2021 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account (652-00-1000-0053), the sum of $25,749 is hereby lapsed.

(c) On the effective date of this act, of the $41,853,675 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 2(a) of chapter 114 of the 2021 Session Laws of Kansas from the state general fund in the KPERS – school employer contributions – non-USDs account (652-00-1000-0100), the sum of $7,789,076 is hereby lapsed.

(d) On the effective date of this act, of the $537,971,506 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 2(a) of chapter 114 of the 2021 Session Laws of Kansas from the state general fund in the KPERS – school employer contributions – USDs account (652-00-1000-0110), the sum of $24,041,149 is hereby lapsed.

(e) On the effective date of this act, of the $2,437,622,329 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 2(a) of chapter 114 of the 2021 session laws of Kansas from the state general fund for state foundation aid account (652-00-1000-0820), the sum of $58,570,986 is hereby lapsed.

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, 2023, the following:

Operating expenditures (including official hospitality) (652-00-1000-0053) $14,200,772

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

State foundation aid (652-00-1000-0820) $157,335,108
Supplemental state aid (652-00-1000-0840) $54,039,398
Center for READing (652-00-1000-0080) $80,000

Provided, 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 cur-

riculum for school districts to use; and (5) provide knowledge and support for developing a list of qualified trainers for school districts to hire.

KPERS-school employer
contributions-non-USDs (652-00-1000-0100) $37,714,422

Provided, That any unencumbered balance in the KPERS-school employer contributions-non-USDs account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

KPERS-school employer
contributions-USDs (652-00-1000-0110) $520,780,609

Provided, That any unencumbered balance in the KPERS-school employer contributions-USDs account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

ACT and workkeys assessments
program (652-00-1000-0140) $2,800,000
Mental health intervention team pilot (652-00-1000-0150)....$10,534,722

Provided, That any unencumbered balance in the mental health intervention team pilot account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures shall be made by the above agency from the mental health intervention team pilot account during fiscal year 2023 for mental health intervention team school liaisons employed by those school districts participating in the mental health intervention team pilot program: *And provided further,* That the salaries and wages for school liaisons shall be matched by participating school districts on a $3 of state moneys for $1 of school district moneys basis: *And provided further,* That each school district that participated in the mental health intervention team pilot program during fiscal year 2022 shall continue to receive an amount of moneys not less than the amount from such account or fund such school district received in fiscal year 2022 so long as the school district maintains a substantially similar program participation level in fiscal year 2023: *And provided further,* That the remaining unencumbered moneys in the mental health intervention team pilot account shall be used to expand the program to school districts that have not previously participated in the program and to contract with a third-party entity to conduct a study of the effectiveness of the program and suggest improvements to the program: *And provided further,* That, if such remaining moneys are not fully expended on new school district programs and the third-party study, the above agency shall expend such moneys on school districts that seek to expand existing programs: *And provided further,* That the department of education shall provide a report on or before January 1, 2023, to the director of the budget and the director of legislative research that includes performance measures, developed in consultation with the Kansas department for aging and disability ser-

vices, that illustrate the effectiveness of the mental health intervention team pilot program.

Career and technical education transportation
state aid (652-00-1000-0190).....$1,482,338
Juvenile transitional crisis center pilot (652-00-1000-0210).....$300,000
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, 2022, is hereby reappropriated for fiscal year 2023: *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).....$520,380,818

Provided, That any unencumbered balance in the special education services aid account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *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.

Governor's teaching excellence scholarships
and awards (652-00-1000-0770).....$360,693
Professional development state aid (652-00-1000-0860).....$1,770,000
School safety and security grants.....$4,000,000

Provided, That expenditures shall be made from the school safety and security grants account for fiscal year 2023 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; and salaries and wages, and associated fringe benefits, for newly created positions of school resource officers and the costs associated with any newly created school resource officers provided by the city or county of such school district: *Provided further,* That all moneys expended for school safety and security grants for fiscal year 2023 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.

Computer science education advancement grant.....$1,000,000

Provided, That expenditures shall be made by the above agency from the computer science education advancement grant account for fiscal year 2023 to provide grants to high-quality professional learning providers to develop and implement teacher professional development programs for the computer science courses as established in 2022 Substitute for House Bill No. 2466: *Provided further*, That, if 2022 Substitute for House Bill No. 2466 is not passed by the legislature during the 2022 regular session and enacted into law, then on July 1, 2022, the $1,000,000 appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, by this section in the computer science education advancement grant account is hereby lapsed.

Career technical education pilot.....$40,000

Provided, That expenditures shall be made by the above agency from the career technical education pilot account for fiscal year 2023 to distribute the stipends required to be provided to the Washburn institute of technology and to participating high schools that are served by the Washburn institute of technology service area pursuant to the secondary career technical education credentialing and student transitioning to employment success pilot program as established in 2022 Substitute for House Bill No. 2466: *Provided further*, That, if 2022 Substitute for House Bill No. 2466 is not passed by the legislature during the 2022 regular session and enacted into law, then on July 1, 2022, the $40,000 appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, by this section in the career technical education pilot account is hereby lapsed.

Virtual math education program.....$4,000,000

Provided, That expenditures shall be made by the above agency from the virtual math education program account for fiscal year 2023 to select and

implement a virtual math program that shall be customized to Kansas curriculum standards, be evidence-based, not impose any fee or cost upon students, provide tutoring in multiple languages, provide professional development for the implementation of the program and have been implemented in other states over the preceding eight fiscal years: *Provided further*, That the above agency shall enter into a two-year contract to implement such program: *And provided further,* That any unified school district shall be authorized to use such program: *And provided further,* That the above agency shall recommend that all school districts use such program: *And provided further,* That all school districts shall track and report to the above agency twice during school year 2022-2023 as determined by the above agency on the number of attendance centers and students using such program or other virtual math program and the number of attendance centers and students not using any such virtual math program, the number of teachers participating in the professional development provided by such program or other virtual math program and the effect of any such virtual math program on student academic proficiency: *And provided further,* That the above agency shall compile such reports and shall submit a summary report to the house of representatives standing committee on K-12 education budget and the senate standing committee on education during the 2023 regular session of the legislature: *And provided further,* That such report shall also include a list of the school districts and attendance centers that are using such program or other virtual math program and a list of the school districts and attendance centers that are not using a virtual math program and a comparison between low-usage and high-usage school districts and attendance centers: *Provided however*, If the above agency, in consultation with the director of the budget, determines that expenditures are made from the American rescue plan – state fiscal relief federal fund in the virtual math education program account pursuant to section 3(a), then the director of the budget shall so certify such information to the director of accounts and reports, and on the date of such certification, the $4,000,000 appropriated for the above agency for the fiscal year ending June 30, 2023, by this section from the state general fund in the virtual math education program account 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, 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:

School district capital outlay state aid fund.....No limit
Educational technology coordinator fund (652-00-2157) .....No limit

Provided, That expenditures shall be made by the above agency for the fiscal year ending June 30, 2023, from the educational technology coordi-

nator 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 2023 in order to assess the cost effectiveness of the position of educational technology coordinator.

Communities in schools program fund (652-00-2221) ..... No limit
Inservice education workshop fee fund (652-00-2230) ..... 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) ..... No limit
Conversion of materials and equipment fund (652-00-2420) ..... No limit
School bus safety fund (652-00-2532) ..... No limit
State safety fund (652-00-2538) ..... 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 2023 as soon as moneys are available.

Motorcycle safety fund (652-00-2633) ..... No limit
Teacher and administrator fee fund (652-00-2723) ..... No limit
Service clearing fund (652-00-2869) ..... No limit
School district capital improvements fund (652-00-2880) ..... 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) ..... No limit
ESSA – student support academic enrichment –
federal fund (652-00-3113) ..... No limit
Educationally deprived children – state operations –
federal fund (652-00-3131) ..... No limit
Food assistance – federal fund (652-00-3230) ..... No limit
Elementary and secondary school aid –
federal fund (652-00-3233) ..... No limit
Education of handicapped children
fund – federal (652-00-3234) ..... No limit

Community-based child abuse prevention –
federal fund (652-00-3319) ..... No limit
TANF children's programs – federal fund (652-00-3323) ..... No limit
21st century community learning centers –
federal fund (652-00-3519) ..... No limit
State assessments – federal fund (652-00-3520) ..... No limit
Rural and low-income schools program –
federal fund (652-00-3521) ..... No limit
Language assistance state grants –
federal fund (652-00-3522) ..... No limit
State grants for improving teacher quality –
federal fund (652-00-3526) ..... No limit
State grants for improving teacher quality – federal fund –
state operations (652-00-3527) ..... No limit
Food assistance – school breakfast program –
federal fund (652-00-3529) ..... No limit
Food assistance – national school lunch program –
federal fund (652-00-3530) ..... No limit
Food assistance – child and adult care food program –
federal fund (652-00-3531) ..... No limit
Elementary and secondary school aid – federal fund –
local education agency fund (652-00-3532) ..... No limit
Education of handicapped children fund – state operations –
federal fund (652-00-3534) ..... No limit
Education of handicapped children fund – preschool –
federal fund (652-00-3535) ..... No limit
Education of handicapped children fund – preschool state
operations – federal (652-00-3536) ..... No limit
Elementary and secondary school aid – federal fund –
migrant education fund (652-00-3537) ..... No limit
Elementary and secondary school aid – federal fund –
migrant education – state operations (652-00-3538) ..... No limit
Vocational education title II – federal fund (652-00-3539) ..... No limit
Vocational education title II – federal fund –
state operations (652-00-3540) ..... No limit
Educational research grants and projects fund (652-00-3592) ..... No limit
Local school district contribution program
checkoff fund (652-00-7005) ..... 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, 2023, 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 to distribute to unified school districts.

Governor's teaching excellence scholarships program repayment fund (652-00-7221) ..... 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) ..... 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, 2023, 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, 2022, is hereby reappropriated for fiscal year 2023.

CIF grants (652-00-2000-2408) $20,729,848

Provided, That any unencumbered balance in the CIF grants account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

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, 2022, is hereby reappropriated for fiscal year 2023: *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.

Pre-K pilot (652-00-2000-2535) $4,200,000
Early childhood infrastructure $1,400,773
Imagination library $500,000

(d) On July 1, 2022, 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, 2023, and June 30, 2023, 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, 2022, and quarterly thereafter, the director of accounts and reports shall transfer $73,750 from the state highway fund (276-00-4100-4100) of the department of transportation to the school bus safety fund (652-00-2532-2300) of the department of education.

(g) On July 1, 2022, 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, 2022, 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, 2023, 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, 2022, is hereby reappropriated for fiscal year 2023.

(j) During the fiscal year ending June 30, 2023, 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 2023 from the state general fund for the department of education to another item of appropriation for fiscal year 2023 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, 2023, the following:

KPERS – school employer
contribution (652-00-1700-1700).....$41,389,547

Provided, That during the fiscal year ending June 30, 2023, 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) During the fiscal year ending June 30, 2023, 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 2023 as authorized by section 3 of chapter 114 of the 2021 Session Laws of Kansas, this or other appropriation act of the 2022 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 2023 for communities in schools in an amount not less than $100,000.

Sec. 3.

GOVERNOR'S DEPARTMENT

(a) Expenditures shall be made from the American rescue plan – state fiscal relief federal fund (252-00-3756) for the fiscal year ending June 30, 2023, pursuant to the authority in 42 U.S.C. § 802(c)(1) or other relevant authority, to provide government services, for the following specified purposes:

Virtual math education program.....$4,000,000

Provided, That expenditures from the virtual math education program account shall be used by the above agency, in consultation with the department of education, for the purpose of implementing a virtual math program to be used by school districts: *Provided further,* That the above

agency shall designate the department of education as the administrating authority for such program: *And provided further,* That the department of education is hereby authorized to select and implement a virtual math program that shall be customized to Kansas curriculum standards, be evidence-based, not impose any fee or cost upon students, provide tutoring in multiple languages, provide professional development for the implementation of the program and have been implemented in other states over the preceding eight fiscal years: *Provided further*, That the department of education shall enter into a two-year contract to implement such program: *And provided further,* That any unified school district shall be authorized to use such program: *And provided further,* That the above agency shall recommend that all school districts use such program: *And provided further,* That all school districts shall track and report to the department of education twice during school year 2022-2023 as determined by the department of education on the number of attendance centers and students using such program or other virtual math program and the number of attendance centers and students not using any such virtual math program, the number of teachers participating in the professional development provided by such program or other virtual math program and the effect of any such virtual math program on student academic proficiency: *And provided further,* That the department of education shall compile such reports and shall submit a summary report to the house of representatives standing committee on K-12 education budget and the senate standing committee on education during the 2023 regular session of the legislature: *And provided further,* That such report shall also include a list of the school districts and attendance centers that are using such program or other virtual math program and a list of the school districts and attendance centers that are not using a virtual math program and a comparison between low-usage and high-usage school districts and attendance centers.

School safety and security grants.....$1,000,000

Provided, That expenditures shall be made from the school safety and security grants account by the above agency, in consultation with the department of education, 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; and salaries and wages, and associated fringe benefits, for newly created positions of school resource officers and the costs associated with any newly created school resource officers provided by the city or county of such school district: *Provided further*, That all moneys expended for school safety and security grants account for fiscal year 2023 shall be matched by the receiv-

ing school district on a $1-for-$1 basis from other moneys of the school district that may be used for such purpose.

(b) During the fiscal year ending June 30, 2023, the expenditures in subsection (a) from the American rescue plan – state fiscal relief federal fund shall not be subject to the provisions of section 28(d) of 2022 House Substitute for Substitute for Senate Bill No. 267.

(c) During the fiscal year ending June 30, 2023, the provisions of section 196 of 2022 House Substitute for Substitute for Senate Bill No. 267 shall not apply to expenditures from the American rescue plan – state fiscal relief federal fund of the governor's department. Such expenditures are subject to the provisions of subsection (a).

Sec. 4.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

State foundation aid (652-00-1000-0820).....$2,558,881,605

Provided, That any unencumbered balance in the state foundation aid account in excess of $100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

Supplemental state aid (652-00-1000-0840) $568,150,000

Provided, That any unencumbered balance in the supplemental state aid account in excess of $100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

Virtual math education program.....$2,000,000

Provided, That expenditures shall be made by the above agency from the virtual math education program account for fiscal year 2024 to fund the second year of operation of the virtual math program implemented by the above agency pursuant to sections 2(a) and 3(a): *Provided further*, That all school districts shall track and report to the above agency twice during school year 2023-2024 as determined by the above agency on the number of attendance centers and students using such program or other virtual math program and the number of attendance centers and students not using any such virtual math program, the number of teachers participating in the professional development provided by such program or other virtual math program and the effect of any such virtual math program on student academic proficiency: *And provided further,* That the above agency shall compile such reports and shall submit a summary report to the house of representatives standing committee on K-12 education budget and the senate standing committee on education during the 2024 regular session of the legislature: *And provided further,* That such report shall also include a list of the school districts and attendance centers that are

using such program or other virtual math program and a list of the school districts and attendance centers that are not using a virtual math program and a comparison between low-usage and high-usage school districts and attendance centers.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, 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. 5. (a) The legislature hereby affirms that excellence in education provides an essential gateway to success not only for students but for the entire state. Achieving excellence in education opens doors of opportunity for long-term personal, professional and economic growth and improvement for all students. As academic achievement is elevated, inspired and attained, more students will gain the soft skills that are necessary to succeed in the workforce, including improved time management, personal accountability and communication skills. Maintaining high academic achievement standards for all students provides the basis for the fundamental belief that all people, despite their socioeconomic, racial or cultural status, are uniquely capable and worthy of meeting and exceeding the highest caliber of expectations. In affirming this focus on excellence, the legislature hereby desires consistent communication with the state board of education and the state department of education to annually review academic achievement, as quantitatively measured by performance on state assessments and the interventions, goals and strategies that are being utilized to move all students to academic proficiency.

(b) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 6. (a) This section shall be known and may be cited as the every child can read act.

(b) The legislature hereby affirms that third grade marks a pivotal grade level in which students must attain proficiency in reading or risk continued learning losses throughout their academic career. To ensure that all students move toward grade-level proficiency in literacy, especially by the third grade level, the board of education of each school district shall provide opportunities for students to participate in targeted educational interventions to promote proficiency in literacy. Reading literacy shall be attained through the science of reading and evidence-based reading instruction and shall include such competencies as may be necessary to attain reading proficiency. The necessary competencies, best practices

and screening tools used by school districts shall follow the framework of the dyslexia handbook developed by the state department of education. To ensure that such competencies are achieved, the board of education of each school district shall include as part of instruction in literacy:

(1) Phonics, phonological and phonemic awareness;

(2) vocabulary development;

(3) silent and oral reading fluency; and

(4) reading comprehension.

(c) To promote the goals of the every child can read act, the board of education of each school district shall:

(1) Measure student achievement by participation in the state assessment program and through other universal screening and assessment tools that are approved by a board of education of a school district or by the state department of education;

(2) provide targeted and tiered interventions that are designed to match a student's individual deficiencies through additional contact hours with such student, including, but not limited to, one-on-one instruction, small group instruction, tutoring and summer school programs for all students and especially for those students who are at and below the third grade level who are identified as having a literacy deficit; and

(3) ensure that the teacher of each third grade student communicates with the parent or guardian of each such student to provide information on the student's literacy proficiency or deficiencies and any recommended interventions for such student to achieve proficiency. Such communication shall occur at least once during the fall semester and once during the spring semester. When a teacher provides the communications required pursuant to this paragraph, each such communication shall provide the parent or guardian with:

(A) A summary of the every child can read act and the literacy goals of the act;

(B) any assessment data relating to literacy that pertains to the student;

(C) any recommended interventions for the student; and

(D) how the school district tracks the outcomes of any such interventions.

(d) (1) On or before June 30 of each school year, each school district shall report to the state department of education on the school district's implementation of the every child can read act, the interventions that the school district is using to attain the goals of such act and the resulting outcomes of such interventions. Such report shall include:

(A) The number of third grade students in such school district;

(B) the screening and assessment data from at least the preceding two school years that the school district is using as a baseline to evaluate student progress in literacy; and

(C) the percentage of students that are proficient, moving toward proficiency or deficient, with percentages provided for all students and student subgroups.

(2) The state department of education shall compile such reports and shall submit a summary report to the governor and the legislature on or before January 15 of each year.

(e) This section shall take effect and be in force from and after July 1, 2023.

New Sec. 7. (a) A board of education of a school district may adopt a policy to allow students enrolled in grades six through 12 to earn course credits through alternative educational opportunities with sponsoring entities. A school district's policy adopted pursuant to this section shall provide:

(1) Eligibility requirements for sponsoring entities;

(2) requirements for the provision of alternative educational opportunities by sponsoring entities;

(3) the procedures for a sponsoring entity to submit a proposal to the school district to provide an additional educational opportunity to students;

(4) the criteria the school district will use to evaluate such proposals; and

(5) the course credit that may be earned through the alternative educational opportunity by a participating student.

(b) A school district may accept a proposal from a sponsoring entity if the alternative educational opportunity provided by the sponsoring entity:

(1) Provides an additional learning opportunity for students through a work-based, pre-apprenticeship, apprenticeship, internship, industry certification or community program; and

(2) (A) is approved by the state board of education as an alternative educational opportunity pursuant to subsection (d); or

(B) complies with the school district policies adopted pursuant to subsection (a).

(c) Each approved alternative educational opportunity with a sponsoring entity shall be managed and directed by a licensed teacher employed by the school district.

(d) A sponsoring entity may petition the state board to approve an alternative educational opportunity that is provided through such sponsoring entity if the alternative educational opportunity provided through such sponsoring entity is generally applicable on a statewide or regional basis across multiple school districts. The state board of education shall approve or deny each petition proposing an alternative educational opportunity within 90 days of receipt of such proposal. If the state board denies the proposal, the state board shall provide the sponsoring entity the reasons for such denial. If the state board approves such proposal, any

school district may implement the alternative educational opportunity. The state board may revoke any such approved proposal if the state board determines that the sponsoring entity fails to comply with the requirements of this section.

(e) Each school district shall report to the state department of education information regarding the school district's alternative educational opportunities offered at the school, the names of sponsoring entities, the number of students participating and credits earned.

(f) The state board of education may adopt rules and regulations for the administration of this section.

(g) As used in this section:

(1) "Alternative educational opportunity" means instruction that primarily occurs outside the classroom with a sponsoring entity.

(2) "Sponsoring entity" means a business, not-for-profit organization, nonprofit organization, trade association, parent of a student, teacher or administrator that partners with a school district to provide an alternative educational opportunity to students.

(h) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 8. (a) As used in K.S.A. 72-3122 through 72-3125, and amendments thereto, and section 9, and amendments thereto:

(1) "Homeless child" means a child who lacks a fixed, regular and adequate nighttime residence and whose primary nighttime residence is:

(A) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters and transitional housing for the mentally ill;

(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

(2) "Nonresident student" or "nonresident transfer student" means a student who is enrolled and in attendance at or seeking to enroll and attend a school located in a district where such student is not a resident.

(3) "Parent" means and includes natural parents, adoptive parents, stepparents and foster parents.

(4) "Person acting as parent" means:

(A) A guardian or conservator; or

(B) a person, other than a parent, who:

(i) Is liable by law to maintain, care for or support the child;

(ii) has actual care and control of the child and is contributing the major portion of the cost of support of the child;

(iii) has actual care and control of the child with the written consent of a person who has legal custody of the child; or

(iv) has been granted custody of the child by a court of competent jurisdiction.

(5) "Receiving school district" means a school district of nonresidence of a student who attends school in such school district.

(6) "School district" means a school district organized and operating under the laws of this state.

(7) "Sending school district" means a school district of residence of a student who attends school in a school district not of the student's residence.

(8) "Sibling" means a brother or sister of the whole or half blood, adoptive brother or sister, a stepbrother or stepsister or a foster brother or foster sister.

(b) This section shall take effect and be in force from and after July 1, 2023.

New Sec. 9. (a) On or before January 1, 2024, each board of education of a school district shall adopt a policy to determine the number of nonresident students that the school district has the capacity to accept in each grade level for each school of the school district pursuant to K.S.A. 72-3123, and amendments thereto. Such policies shall clearly specify the reasons that the board may use to deny continued enrollment of a nonresident student who is not in good standing. Such reasons for a denial of continued enrollment may include, but shall not be limited to, the nonresident student's record of school absenteeism and repeated suspensions or expulsions.

(b) Prior to adopting such policy, the board of education shall call and hold a hearing on the proposed policy. The board of education shall provide notice of such hearing, which shall include the time, date and place of the public hearing to be held on the proposed policy. Such notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the school district and shall also be posted on the school district's website.

(c) At such hearing, a representative of the board shall present the board's proposal for the policy and the board shall hear testimony regarding the proposed policy. Following the public hearing, after consideration of the testimony and evidence presented or submitted at such public hearing, the board shall determine whether to adopt or revise the proposed policy at a subsequent public meeting of the board.

(d) The policy adopted pursuant to subsection (a) shall be published on the school district's website.

(e) The provisions of this section shall not apply to any school located on a military installation, as defined in K.S.A. 72-8268, and amendments thereto.

(f) This section shall take effect and be in force from and after July 1, 2023.

Sec. 10. On and after July 1, 2022, K.S.A. 19-5005 is hereby amended to read as follows: 19-5005. (a) All revenue received by the county treasurer pursuant to this act shall be appropriated by the county to the Johnson county education research triangle authority. The authority shall remit such funds for expenditure in equal shares by designated officials for the Edwards campus of the university of Kansas, the Johnson county location of Kansas state university and the university of Kansas medical center's Johnson county locations. All such funds shall be spent for building construction, academic and research program development and growth, faculty and staff recruitment and retention, and operations and maintenance in support of:

(1) The undergraduate and graduate programs at the Edwards campus of the university of Kansas;

(2) the research and education programs in animal health and food safety and security at the Johnson county location of Kansas state university; ~~and~~

(3) *other undergraduate and graduate programs, subject to the approval of Kansas state university, the university of Kansas and the Johnson county education research triangle authority board of directors and which shall not include pre-baccalaureate programs, lower-division courses or courses for students attending high school, at the Johnson county location of Kansas state university; and*

(4) the medical education and life sciences and cancer research programs at the university of Kansas medical center's Johnson county locations.

(b) All such expenditures shall be in compliance with the purposes of this act and shall be certified as such to the authority and to the Kansas state board of regents by appropriate officials at the university of Kansas, Kansas state university and the university of Kansas medical center. Such expenditures shall also comply with the policies of the Kansas state board of regents and applicable state and federal laws.

(c) ~~No~~ *Not* more than ~~two percent~~ *2%* of funds so collected in any fiscal year shall be used for the administrative expenses of the authority or its board of directors.

(d) The authority shall have no authority to issue bonds or to exercise the power of eminent domain.

(e) The authority shall issue an annual report to the board of regents, the legislature and the board of commissioners of Johnson county.

(f) The authority shall be subject to legislative post audit and audit by the board of commissioners of the Johnson county internal auditor.

(g) Meetings of the board of directors of the authority shall be subject to the Kansas open meetings act and records of the authority and the board shall be subject to the Kansas open records act.

(h) Unless state general fund appropriations for the university of Kansas, Kansas state university, and the university of Kansas medical center

are reduced by action of the legislature or the governor, state general fund support of such institutions shall not be reduced below the level of support in effect on the effective date of this act.

(i) The Kansas board of regents shall remain responsible for the governance of these institutions, including approval of any academic programs and the regulation thereof, and shall be responsible to the authority for institutional compliance with the purposes of this act.

Sec. 11. On and after July 1, 2022, K.S.A. 38-2223 is hereby amended to read as follows: 38-2223. (a) *Persons making reports.* (1) When any of the following persons has reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsections (b) and (c);

(A) The following persons providing medical care or treatment: Persons licensed to practice the healing arts, dentistry and optometry, persons engaged in postgraduate training programs approved by the state board of healing arts, licensed professional or practical nurses and chief administrative officers of medical care facilities;

(B) the following persons licensed by the state to provide mental health services: Licensed psychologists, licensed masters level psychologists, licensed clinical psychotherapists, licensed social workers, licensed marriage and family therapists, licensed clinical marriage and family therapists, licensed behavioral analysts, licensed assistant behavioral analysts, licensed professional counselors, licensed clinical professional counselors and registered alcohol and drug abuse counselors;

(C) teachers, school administrators ~~or~~ *and* other employees of an educational institution ~~which~~ *that* the child is attending and *any member of the board of directors of the Kansas state high school activities association referenced in K.S.A. 72-7114, and amendments thereto, and any person who is employed by or is an officer of such association;*

(D) persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child;

~~(D)~~*(E)* firefighters, emergency medical services personnel, law enforcement officers, juvenile intake and assessment workers, court services officers, community corrections officers, case managers appointed under K.S.A. 2021 Supp. 23-3508, and amendments thereto, and mediators appointed under K.S.A. 2021 Supp. 23-3502, and amendments thereto; and

~~(E)~~*(F)* any person employed by or who works as a volunteer for any organization, whether for profit or not-for-profit, that provides social services to pregnant teenagers, including, but not limited to, counseling, adoption services and pregnancy education and maintenance.

(2) In addition to the reports required under subsection (a)(1), any person who has reason to suspect that a child may be a child in need of care may report the matter as provided in subsection (b) and (c).

(b) *Form of report.* (1) The report may be made orally and shall be followed by a written report if requested. Every report shall contain, if known: The names and addresses of the child and the child's parents or other persons responsible for the child's care; the location of the child if not at the child's residence; the child's gender, race and age; the reasons why the reporter suspects the child may be a child in need of care; if abuse or neglect or sexual abuse is suspected, the nature and extent of the harm to the child, including any evidence of previous harm; and any other information that the reporter believes might be helpful in establishing the cause of the harm and the identity of the persons responsible for the harm.

(2) When reporting a suspicion that a child may be in need of care, the reporter shall disclose protected health information freely and cooperate fully with the secretary and law enforcement throughout the investigation and any subsequent legal process.

(c) *To whom made.* Reports made pursuant to this section shall be made to the secretary, except as follows:

(1) When the Kansas department for children and families is not open for business, reports shall be made to the appropriate law enforcement agency. On the next day that the department is open for business, the law enforcement agency shall report to the department any report received and any investigation initiated pursuant to K.S.A. 38-2226, and amendments thereto. The reports may be made orally or, on request of the secretary, in writing.

(2) Reports of child abuse or neglect occurring in an institution operated by the Kansas department of corrections shall be made to the attorney general or the secretary of corrections. Reports of child abuse or neglect occurring in an institution operated by the Kansas department for aging and disability services shall be made to the appropriate law enforcement agency. All other reports of child abuse or neglect 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 made to the appropriate law enforcement agency.

(d) *Death of child.* Any person who is required by this section to report a suspicion that a child is in need of care and who knows of information relating to the death of a child shall immediately notify the coroner as provided by K.S.A. 22a-242, and amendments thereto.

(e) *Violations.* (1) Willful and knowing failure to make a report required by this section is a class B misdemeanor. It is not a defense that another mandatory reporter made a report.

(2) Intentionally preventing or interfering with the making of a report required by this section is a class B misdemeanor.

(3) Any person who willfully and knowingly makes a false report pursuant to this section or makes a report that such person knows lacks factual foundation is guilty of a class B misdemeanor.

(f) *Immunity from liability.* Anyone who, without malice, participates in the making of a report to the secretary or a law enforcement agency relating to a suspicion a child may be a child in need of care or who participates in any activity or investigation relating to the report or who participates in any judicial proceeding resulting from the report shall have immunity from any civil liability that might otherwise be incurred or imposed.

Sec. 12. On and after July 1, 2022, K.S.A. 2021 Supp. 72-1163 is hereby amended to read as follows: 72-1163. (a) *(1)* 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. *Such assessment shall be published on the school district's website.* Information obtained from such ~~needs-assessment~~ *needs assessment* shall be used by the board when ~~preparing~~ *approving* the budget of the school district to ensure improvement in student academic performance. *In the minutes of the meeting at which the board approves its annual budget, the board shall include that such needs assessment was provided to the board, the board evaluated such assessment and how the board used such assessment in the approval of the school district's budget.*

(2) Each year, the board of education of a school district shall review state assessment results and, as part of such review, shall document the following:

(A) The barriers that must be overcome to have all students achieve proficiency above level 2 for grade level academic expectations on such assessments;

(B) any budget actions, including, but not limited to, recommendations on reallocation of resources that should be taken to address and remove such barriers; and

(C) the amount of time the board estimates it will take for all students to achieve proficiency above level 2 for grade level academic expectations on the state assessments if such budget actions are implemented.

(3) 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, *the needs assessment and the state assessment documentation* shall be on file at the

administrative offices of the school district *and available on the school district's website*. ~~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, *the needs assessment and state assessment documentation* is on file at the administrative offices of the district and ~~that copies of such budgets and summary are available upon request~~ *available on the school district's website*.

Sec. 13. On and after July 1, 2023, K.S.A. 72-13,101 is hereby amended to read as follows: 72-13,101. (a) In accordance with the provisions of this section, the boards of education of any two or more unified school districts may make and enter into agreements providing for the attendance of ~~pupils~~ *students* residing in one school district at school in kindergarten or any of the grades one through 12 maintained by any such other school district. The boards of education may also provide by agreement for the combination of enrollments for kindergarten or one or more grades, courses or units of instruction.

(b) Prior to entering into any agreement under authority of this section, the board of education shall adopt a resolution declaring that it has made a determination that such an agreement should be made and that the making and entering into of such an agreement would be in the best interests of the educational system of the school district. Any such agreement is subject to the following conditions:

(1) The agreement may be for any term not exceeding a term of five years.

(2) The agreement shall be subject to change or termination by the legislature.

(3) Within the limitations provided by law, the agreement may be changed or terminated by mutual agreement of the participating boards of education.

(4) The agreement shall make provision for transportation of ~~pupils~~ *students* to and from the school attended on every school day, for payment or sharing of the costs and expenses of ~~pupil~~ *student* attendance at school, and for the authority and responsibility of the participating boards of education.

(c) Provision by agreements entered into under authority of this section for the attendance of ~~pupils~~ *students* at school in a school district of nonresidence of such ~~pupils~~ *students* shall be deemed to be in compliance with the kindergarten, grade, course and units of instruction requirements of law.

(d) The board of education of any school district ~~which~~ *that* enters into an agreement under authority of this section for the attendance

of ~~pupils~~ *students* at school in another school district may discontinue kindergarten or any or all of the grades, courses and units of instruction specified in the agreement for attendance of ~~pupils~~ *students* enrolled in kindergarten or any such grades, courses and units of instruction at school in such other school district. Upon discontinuing kindergarten or any grade, course or unit of instruction under authority of this subsection, the board of education may close any school building or buildings operated or used for attendance by ~~pupils~~ *students* enrolled in such discontinued kindergarten, grades, courses or units of instruction. The closing of any school building under authority of this subsection shall require a majority vote of the members of the board of education and shall require no other procedure or approval.

(e) ~~Pupils~~ *Students* attending school in a school district of nonresidence of such ~~pupils~~ *students* in accordance with an agreement made and entered into under authority of this section shall be counted as regularly enrolled in and attending school in the school district of residence of such pupils for the purpose of computations under the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto.

(f) ~~Pupils~~ *Students* who satisfactorily complete grade 12 while in attendance at school in a school district of nonresidence of such ~~pupils~~ *students* in accordance with the provisions of an agreement entered into under authority of this section shall be certified as having graduated from the school district of residence of such ~~pupils~~ *students* unless otherwise provided for by the agreement.

(g) Students who are not residents of a school district and are attending the schools of the school district in accordance with the provisions of an agreement entered into under the authority of this section shall not be charged for attendance at school. The costs of providing for the attendance of such students at school shall be paid by the school district of residence of the students in accordance with the provisions of the agreement.

Sec. 14. On and after July 1, 2022, K.S.A. 72-3120 is hereby amended to read as follows: 72-3120. (a) Subject to the other provisions of this section, every parent or person acting as parent in the state of Kansas, who has control over or charge of any child who has reached the age of seven years and is under the age of 18 years and has not attained a high school diploma ~~or~~, a general educational development ~~(GED)~~ credential *or a high school equivalency credential*, shall require such child to be regularly enrolled in and attend continuously each school year*:*

(1) A public school for the duration of the school term provided for in K.S.A. 72-3115, and amendments thereto; ~~or~~

(2) a private, denominational or parochial school taught by a competent instructor for a period of time which is substantially equivalent to the period of time public school is maintained in the school district in which

the private, denominational or parochial school is located~~. If the child is 16 or 17 years of age, the parent or person acting as parent, by written consent, or the court, pursuant to a court order, may allow the child to be exempt from the compulsory attendance requirements of this section~~*; or*

(3) a combination of a public school and a private, denominational or parochial school for the periods of time referred to in paragraphs (1) and (2).

(b) If the child is 16 or 17 years of age, the child shall be exempt from the compulsory attendance requirements of this section if:

(1) The child is regularly enrolled in and attending a program recognized by the local board of education as an approved alternative educational program;

(2) *the parent or person acting as parent provides written consent to allow the child to be exempt from the compulsory attendance requirements of this section and* the child and the parent or person acting as parent attend a final counseling session conducted by the school during which a disclaimer to encourage the child to remain in school or to pursue educational alternatives is presented to and signed by the child and the parent or person acting as parent. The disclaimer shall include information regarding the academic skills that the child has not yet achieved, the difference in future earning power between a high school graduate and a high school drop out~~,~~ and a listing of educational alternatives that are available for the child;~~ or~~

(3) the child is regularly enrolled in a school as required by subsection (a) and is concurrently enrolled in a postsecondary educational institution, as defined by K.S.A. 74-3201b, and amendments thereto~~. The provisions of this clause (3) shall be applicable to children from and after July 1, 1997, and shall relate back to such date~~*; or*

(4) the child is subject to a court order that allows or requires the child to be exempt from the compulsory attendance requirements.

(c) Any child who is under the age of seven years, but who is enrolled in school,~~ is~~ *shall be* subject to the compulsory attendance requirements of this section. Any such child may be withdrawn from enrollment in school at any time by a parent or person acting as parent of the child and thereupon the child shall be exempt from the compulsory attendance requirements of this section until the child reaches the age of seven years or is re-enrolled in school.

(d) Any child who is determined to be an exceptional child, except for an exceptional child who is determined to be a gifted child, under the provisions of the special education for exceptional children act~~ is~~ *shall be* subject to the compulsory attendance requirements of such act and ~~is~~ exempt from the compulsory attendance requirements of this section.

(e) Any child who has been admitted to, and is attending, the Kansas academy of mathematics and science, as provided in K.S.A. 72-3903 et

seq., and amendments thereto, ~~is~~ *shall be* exempt from the compulsory attendance requirements of this section.

(f) No child attending public school in this state shall be required to participate in any activity which is contrary to the religious teachings of the child if a written statement signed by one of the parents or a person acting as parent of the child is filed with the proper authorities of the school attended requesting that the child not be required to participate in such activities and stating the reason for the request.

(g) When a recognized church or religious denomination that objects to a regular public high school education provides, offers and teaches, either individually or in cooperation with another recognized church or religious denomination, a regularly supervised program of instruction~~, which~~ *that* is approved by the state board of education, for children of compulsory school attendance age who have successfully completed the eighth grade, participation in such a program of instruction by any such children whose parents or persons acting as parents are members of the sponsoring church or religious denomination shall be regarded as acceptable school attendance within the meaning of this act. Approval of such programs shall be granted by the state board of education, for two-year periods, upon application from recognized churches and religious denominations, under the following conditions:

(1) Each participating child shall be engaged, during each day on which attendance is legally required in the public schools in the school district in which the child resides, in at least five hours of learning activities appropriate to the adult occupation that the child is likely to assume in later years;

(2) acceptable learning activities, for the purposes of this subsection, shall include ~~parent (or person acting as parent) supervised~~ projects *supervised by a parent or person acting as parent* in agriculture and homemaking, work-study programs in cooperation with local business and industry~~,~~ and correspondence courses from schools accredited by the national home study council, recognized by the United States office of education as the competent accrediting agency for private home study schools;

(3) at least 15 hours per week of classroom work under the supervision of an instructor shall be provided, at which time students shall be required to file written reports of the learning activities they have pursued since the time of the last class meeting, indicating the length of time spent on each one, and the instructor shall examine and evaluate such reports, approve plans for further learning activities~~,~~ and provide necessary assignments and instruction;

(4) regular attendance reports shall be filed as required by law~~,~~ and students shall be reported as absent for each school day on which they have not completed the prescribed minimum of five hours of learning activities;

(5) the instructor shall keep complete records concerning instruction provided, assignments made~~,~~ and work pursued by the students, and these records shall be filed on the first day of each month with the state board of education and the board of education of the school district in which the child resides;

(6) the instructor shall be capable of performing competently the functions entrusted thereto; and

(7) in applying for approval under this subsection a recognized church or religious denomination shall certify its objection to a regular public high school education and shall specify, in such detail as the state board of education may reasonably require, the program of instruction that it intends to provide and no such program shall be approved unless it fully complies with standards ~~therefor which shall be~~ specified by the state board of education.

If the sponsors of an instructional program approved under this subsection fail to comply at any time with the provisions of this subsection, the state board of education shall rescind, after a written warning has been served and a period of three weeks allowed for compliance, approval of the programs, even though the two-year approval period has not elapsed, and thereupon children attending such program shall be admitted to a high school of the school district.

(h) *(1) Each board of education of a school district shall allow any child to enroll part-time in the school district to allow the student to attend any courses, programs or services offered by the school district if the child:*

(A) Is also enrolled in a nonaccredited private elementary or secondary school pursuant to K.S.A. 72-4345, and amendments thereto, or in any other private, denominational or parochial school pursuant to the provisions of subsection (a);

(B) requests to enroll part-time in the school district; and

(C) meets the age of eligibility requirements for school attendance pursuant to K.S.A. 72-3118, and amendments thereto.

(2) Each board of education of a school district shall adopt a policy regarding the part-time enrollment of students pursuant to this subsection and shall publish such policy on the school district's website. The board of education of a school district shall make a good faith attempt to accommodate scheduling requests of students enrolling in the school district pursuant to this subsection but shall not be required to make adjustments to accommodate every such request.

(i) As used in this section:

(1) "Educational alternatives" means an alternative learning plan for the student that identifies educational programs that are located in the area where the student resides~~,~~ and are designed to aid the student in obtaining a high school diploma, general educational development cre-

dential or other certification of completion, such as a career technical education industry certification. Such alternative learning plans may include extended learning opportunities such as independent study, private instruction, performing groups, internships, community service, apprenticeships and online coursework.

(2) "Parent" and "person acting as parent" ~~have the meanings respectively ascribed thereto~~ *mean the same as such terms are defined* in K.S.A. 72-3122, and amendments thereto.

(3) "Regularly enrolled" means enrolled in five or more hours of instruction each school day. For the purposes of subsection (b)(3), hours of instruction received at a postsecondary educational institution shall be counted.

Sec. 15. On and after July 1, 2023, K.S.A. 72-3122 is hereby amended to read as follows: 72-3122. (a) Any child who has attained the age of eligibility for school attendance may attend school in the district ~~in which~~ *where* the child lives, if:

(1) The child lives with a resident of the district and the resident is the parent, or a person acting as parent, of the child; ~~or~~

(2) subject to the provisions of subsection (c), the child lives in the district as a result of placement therein by a district court or by the secretary for children and families; or

(3) the child is a homeless child.

(b) Any child who has attained the age of eligibility for school attendance may attend school in a school district ~~in which~~ *where* the child is not a resident ~~if the school district in which the child resides has entered into an agreement with such other school district~~ in accordance with ~~and under authority of~~ K.S.A. 72-13,101*, 72-3123 or 72-3125*, and amendments thereto.

~~(c) Any child who has attained the age of eligibility for school attendance and who lives at the Judge James V. Riddel boys ranch as a result of placement at such ranch by a district court or by the secretary for children and families shall be deemed a resident of unified school district No. 259, Sedgwick county, Kansas, and. Any such child may attend school, which shall be maintained for such child by the board of education of such school district as in the case of a child who is a bona fide resident of the district.~~

~~(d) As used in this section:~~

~~(1) "Parent" means and includes natural parents, adoptive parents, stepparents, and foster parents;~~

~~(2) "person acting as parent" means (A) a guardian or conservator, or (B) a person, other than a parent, who is liable by law to maintain, care for, or support the child, or who has actual care and control of the child and is contributing the major portion of the cost of support of the child,~~

~~or who has actual care and control of the child with the written consent of a person who has legal custody of the child, or who has been granted custody of the child by a court of competent jurisdiction; and~~

~~(3) "homeless child" means a child who lacks a fixed, regular, and adequate nighttime residence and whose primary nighttime residence is: (A) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); or (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.~~

Sec. 16. On and after July 1, 2023, K.S.A. 72-3123 is hereby amended to read as follows: 72-3123. (a) *Beginning in school year 2024-2025, any child of school age pursuant to K.S.A. 72-3118, and amendments thereto, may attend a school operated by a school district where such child does not reside if such school district has open seats as determined pursuant to this section.*

(b) The board of education of any school district ~~is hereby authorized to permit pupils who are not residents of the school district~~ *shall permit nonresident students* to enroll in and attend the schools of the district~~.~~ ~~The board of education may permit such pupils to attend school without charge or, subject to the provisions of subsection (b), may charge such pupils for attendance at school to offset, totally or in part, the costs of providing for such attendance. Amounts received under this subsection by the board of education of a school district for enrollment and attendance of pupils at school in regular educational programs shall be deposited in the general fund of the school district.~~

~~(b) Pupils who are not residents of a school district and are attending the schools of the school district in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-13,101, and amendments thereto, shall not be charged for attendance at school. The costs of providing for the attendance of such pupils at school shall be paid by the school district of residence of the pupils in accordance with the provisions of the agreement.~~ *if such school district has open seats as determined pursuant to this section.*

(c) Each school district shall determine capacity in each school of the school district for the following school year as follows:

(1) For kindergarten and grades one through eight, the classroom student-teacher ratio in each grade level; and

(2) for grades nine through 12, the student-teacher ratio for each school building or program in each school building, including, but not limited to, advanced placement or international baccalaureate programs.

(d) (1) On or before May 1 of each year, each school board shall determine for each grade level in each school building of the school district for the next succeeding school year the:

(A) Capacity as determined pursuant to subsection (c);

(B) number of students expected to attend school in the school district; and

(C) number of open seats available to nonresident students.

(2) On or before June 1 of each year, each school district shall publish on such school district's website the number of open seats available to nonresident students in each grade level for each school building of the school district for the next succeeding school year.

(3) From June 1 through June 30, each school district shall accept applications from nonresident students. Applications shall be on a form and in a manner determined by the school district.

(4) If the number of applications for a grade level in a school building is less than the number of available seats for such grade level in such school building, the nonresident students shall be accepted for enrollment and attendance at such school district. If the number of applications for a grade level in a school building is greater than the number of available seats for such grade level in such school building, the school district shall randomly select nonresident students using a confidential lottery process. Such process shall be completed on or before July 15 of each year.

(5) The school district shall provide to the parent or person acting as parent of a nonresident student who was not accepted for or denied enrollment at such school district the reason for the nonacceptance or denial and an explanation of the nonresident student selection process.

(e) (1) Subject to capacity, school districts shall give priority to any sibling of a nonresident student who was accepted to enroll in and attend such school district. Priority shall be given when the nonresident student is first accepted and, if necessary, at any other time the school district considers transfer applications. Any such sibling shall not be subject to the open seat lottery.

(2) Any child who is in the custody of the department for children and families and who is living in the home of a nonresident student who transfers may attend school in the receiving school district.

(f) A school district shall not:

(1) Charge tuition or fees to any nonresident student who transfers to such school district pursuant to this section except fees that are otherwise charged to every student enrolled in and attending school in the district; or

(2) accept or deny a nonresident student transfer based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude or athletic ability.

(g) A nonresident student who has been accepted for enrollment and attendance at a receiving school district shall be permitted to continue such enrollment and attendance in such school district until such student graduates from high school, unless such student is no longer in good standing. A receiving school district may deem a nonresident student as not in good standing in accordance with such school district's nonresident transfer policy.

(h) A student may always enroll at any time in the school district where such student resides.

(i) Except for a child in the custody of the department for children and families, a nonresident student shall not transfer more than once per school year to one or more receiving school districts pursuant to the provisions of this section.

(j) A receiving school district shall not be required to provide transportation to nonresident students. If space is available on school district transportation vehicles, a school district may provide nonresident students an in-district bus stop where transportation may be provided by such school district to and from such bus stop and the school for such nonresident students.

(k) Each school district board of education shall submit to the state department of education the number of nonresident student transfers approved and denied by such board and whether the denials were based on capacity or in accordance with the policy adopted pursuant to section 9, and amendments thereto. The state department of education shall collect and report such data on such department's website and make such data available to the legislative division of post audit.

(l) (1) Each year, the state department of education, as part of the department's enrollment audit, shall audit the nonresident student capacity and enrollment.

(2) In calendar year 2027, the legislative post audit committee shall direct the legislative division of post audit to conduct an audit of nonresident student transfers pursuant to this section. Such audit shall be reported to the legislative post audit committee on or before January 15, 2028, and subsequently presented to the house standing committee on K-12 education budget and the senate standing committee on education, or any successor committees.

(m) Nothing in this section shall be construed to exempt any nonresident student who transfers to a receiving school district pursuant to this section from the policies and requirements of the activities association referred to in K.S.A. 72-7114, and amendments thereto.

(n) The provisions of this section shall not apply to any school located on a military installation as defined in K.S.A. 72-8268, and amendments thereto.

Sec. 17. On and after July 1, 2023, K.S.A. 72-3124 is hereby amended to read as follows: 72-3124. (a) ~~As used in this section:~~

~~(1) "School district" means a school district organized and operating under the laws of this state and no part of which is located in Johnson county, Sedgwick county, Shawnee county or Wyandotte county.~~

~~(2) "Non-resident pupil" or "pupil" means a pupil who is enrolled and in attendance at a school located in a district in which such pupil is not a resident and who: (A) Lives 2½ or more miles from the attendance center the pupil would attend in the district in which the pupil resides and is not a resident of Johnson county, Sedgwick county, Shawnee county or Wyandotte county; or (B) is a member of the family of a pupil meeting the condition prescribed in subparagraph (A).~~

~~(3) "Member of the family" means a brother or sister of the whole or half blood or by adoption, a stepbrother or stepsister, and a foster brother or foster sister.~~

~~(b)~~ The board of education of any school district ~~may~~ *shall* allow any ~~pupil~~ *student* who is not a resident of the district to enroll in and attend school in such district *pursuant to K.S.A. 72-3123, and amendments thereto*. The board of education of such district may furnish or provide transportation to any ~~non-resident pupil~~ *nonresident student* who is enrolled in and attending school in the district ~~pursuant to this section~~. If the district agrees to furnish or provide transportation to a ~~non-resident pupil~~ *nonresident student*, such transportation shall be furnished or provided until the end of the school year. Prior to providing or furnishing transportation to a ~~non-resident pupil~~ *nonresident student*, the *receiving school* district shall notify the board of education of the *sending school* district ~~in which the pupil resides~~ that transportation will be furnished or provided *for such student*.

~~(c) Pupils attending school in a school district in which the pupil does not reside pursuant to this section~~

(b) Nonresident students shall be counted as regularly enrolled in and attending school in the *receiving school* district ~~where the pupil is enrolled~~ for the purpose of computations under the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto, except computation of transportation weighting under such act, and for the purposes of the statutory provisions contained in article 64 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto. Such ~~non-resident pupil~~ *nonresident student* shall not be charged for the costs of attendance at school.

Sec. 18. On and after July 1, 2023, K.S.A. 72-3125 is hereby amended to read as follows: 72-3125. (a) ~~As used in this section:~~

~~(1) "Receiving school district" means a school district of nonresidence of a pupil who attends school in such school district.~~

~~(2) "Sending school district" means a school district of residence of a pupil who attends school in a school district not of the pupil's residence.~~

~~(b)~~ The board of education of any school district may make and enter into contracts with the board of education of any receiving school district located in this state for the purpose of providing for the attendance of ~~pupils~~ *students* at school in the receiving school district.

~~(c)~~*(b)* The board of education of any school district may make and enter into contracts with the governing authority of any accredited school district located in another state for the purpose of providing for the attendance of ~~pupils~~ *students* from this state at school in such other state or for the attendance of ~~pupils~~ *students* from such other state at school in this state.

~~(d)~~*(c)* ~~Pupils~~ *Students* attending school in a receiving school district in accordance with a contract authorized by this section and made and entered into by such receiving school district with a sending school district located in this state shall be counted as regularly enrolled in and attending school in the sending school district for the purpose of computations under the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto.

~~(e)~~*(d)* Any contract made and entered into under authority of this section is subject to the following conditions:

(1) The contract shall be for the benefit of ~~pupils~~ *students* who reside at inconvenient or unreasonable distances from the schools maintained by the sending school district or for ~~pupils~~ *students* who, for any other reason deemed sufficient by the board of education of the sending school district, should attend school in a receiving school district;

(2) the contract shall make provision for the payment of tuition by the sending school district to the receiving school district;

(3) if a sending school district is located in this state and the receiving school district is located in another state, the amount of tuition provided to be paid for the attendance of a ~~pupil~~ *student* or ~~pupils~~ *students* at school in the receiving school district shall not exceed 1/2 of the amount of the budget per ~~pupil~~ *student* of the sending school district under the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto, for the current school year; and

(4) the contract shall make provision for transportation of ~~pupils~~ *students* to and from the school attended on every school day.

~~(f)~~*(e)* Amounts received pursuant to contracts made and entered into under authority of this section by a school district located in this state for enrollment and attendance of ~~pupils~~ *students* at school in regular educational programs shall be deposited in the general fund of the school district.

~~(g)~~*(f)* The provisions of subsection ~~(e)(3)~~ *(d)(3)* do not apply to unified school district No. 107, Rock Hills.

~~(h)~~*(g)* The provisions of this section do not apply to contracts made and entered into under authority of the special education for exceptional children act.

~~(i)~~*(h)* The provisions of this section are deemed to be alternative to the provisions of K.S.A. 72-13,101, and amendments thereto, and no procedure or authorization under K.S.A. 72-13,101, and amendments thereto, shall be limited by the provisions of this section.

Sec. 19. On and after July 1, 2022, K.S.A. 72-3713 is hereby amended to read as follows: 72-3713. *(a)* Virtual schools shall be under the general supervision of the state board. The state board may adopt any rules and regulations relating to virtual schools ~~which~~ *that* the state board deems necessary to administer and enforce the virtual school act.

(b) For purposes of accreditation by the state board, the four-year adjusted cohort graduation rate for a virtual school shall be determined by only including those students enrolled in such virtual school who had earned sufficient credits to be expected to graduate in the same school year as such student's cohort at the time such student first enrolled in such virtual school. The virtual school's four-year adjusted cohort graduation rate shall be determined in addition to the graduation rates determined for the school district that operates the virtual school and any other high schools operated by the school district.

(c) No virtual school shall offer or provide any financial incentive for a student to enroll in a virtual school.

(d) As used in this section, "financial incentive" means any monetary payment or award that is intended to encourage, entice or motivate a student to enroll in a virtual school.

Sec. 20. On and after July 1, 2022, K.S.A. 72-3715 is hereby amended to read as follows: 72-3715. (a) In order to be included in the full-time equivalent enrollment of a virtual school, a student shall be in attendance at the virtual school on:

(1) A single school day on or before September 19 of ~~each~~ *the* school year; and

(2) on a single school day on or after September 20, but before October 4 of ~~each~~ *the* school year.

(b) A school district ~~which~~ *that* offers a virtual school shall determine the full-time equivalent enrollment of each student enrolled in the virtual school on September 20 of ~~each~~ *the* school year as follows:

(1) Determine the number of hours the student was in attendance on a single school day on or before September 19 of ~~each~~ *the* school year;

(2) determine the number of hours the student was in attendance on a single school day on or after September 20~~,~~ but before October 4 of ~~each~~ *the* school year;

(3) add the numbers obtained under subsections (b)(1) and (b)(2);

(4) divide the sum obtained under subsection (b)(3) by 12. The quotient is the full-time equivalent enrollment of the student.

(c) The school days on which a district determines the full-time equivalent enrollment of a student under subsections (b)(1) and (2) shall be the school days on which the student has the highest number of hours of attendance at the virtual school. No more than six hours of attendance may be counted in a single school day. Attendance may be shown by a student's on-line activity or entries in the student's virtual school journal or log of activities.

(d) Subject to the availability of appropriations and within the limits of any such appropriations, each school year a school district ~~which~~ *that* offers a virtual school shall receive virtual school state aid. The state board of education shall determine the amount of virtual school state aid a school district is to receive as follows:

(1) Determine the number of students enrolled in virtual school on a full-time basis, excluding those students who are over 19 years of age *and those students who are 19 years of age or younger who qualify for virtual school state aid pursuant to paragraph (4)*, and multiply the total number of such students by ~~$5,000~~ *$5,600*;

(2) determine the full-time equivalent enrollment of students enrolled in virtual school on a part-time basis, excluding those ~~pupils~~ *students* who are over 19 years of age *and those students who are 19 years of age or younger who qualify for virtual school state aid pursuant to paragraph (4)*, and multiply the total full-time equivalent enrollment of such students by ~~$1,700~~ *$2,800*;

(3) for students enrolled in a virtual school who are over 19 years of age, determine the number of one-hour credit courses such students have passed, not to exceed six credit courses per school year, and multiply the total number of such courses by $709; ~~and~~

(4) *for students who are 19 years of age or younger who enroll in a virtual school as a dropout diploma completion virtual student, determine the number of one-hour credit courses such students have passed, not to exceed six credit courses per school year, and multiply the total number of such courses by $709; and*

(5) add the amounts calculated under subsections (d)(1) through (d)(4). The resulting sum is the amount of virtual school state aid the school district shall receive.

(e) (1) There is hereby established in every school district ~~a fund which shall be called~~ the virtual school fund~~, which~~. *Such* fund shall consist of all moneys deposited therein or transferred thereto according to law. The expenses of a school district directly attributable to virtual schools offered by a school district may be paid from the virtual school fund. The cost of an advance placement course provided to a student by

a virtual school shall be paid by the virtual school. Moneys deposited in or otherwise transferred to the virtual school fund shall only be expended for those costs directly attributable to the provision of virtual instruction.

(2) Any balance remaining in the virtual school fund at the end of the budget year shall be carried forward into the virtual school 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.

(3) In preparing the budget of such school district, the amounts credited to and the amount on hand in the virtual school 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.

(f) For the purposes of this section, a student enrolled in a virtual school who is not a resident of the state of Kansas shall not be counted in the full-time equivalent enrollment of the virtual school. The virtual school shall record the permanent address of any student enrolled in such virtual school.

(g) ~~For purposes of~~ *As used in* this section:

(1) *"Dropout diploma completion virtual student" means any student who is 19 years of age or younger who has:*

(A) A ratio of earned credits to expected credits for the student's cohort year of less than 75% when enrolling in a virtual school;

(B) (i) dropped out of high school such that the student has not attended any school of a school district for 60 consecutive days or more during the current school year and the student is not reasonably anticipated to recommence enrollment or attendance at any school of a school district during the current school year;

(ii) dropped out of high school such that the student has not attended any school of a school district for 60 consecutive days or more during the preceding school year, the student did not finish such preceding school year and the student is not reasonably anticipated to recommence enrollment or attendance at any school of a school district during the current school year; or

(iii) been exempted from compulsory student attendance by written consent of the parent pursuant to K.S.A. 72-3120, and amendments thereto; and

(C) not been counted in the enrollment of a virtual school as a full-time or part-time virtual student during the school year in which such student enrolls as a dropout diploma completion virtual student.

(2) "Full-time" means attendance in a virtual school for no less than six hours as determined pursuant to subsection (b).

~~(2)~~*(3)* "Part-time" means attendance in a virtual school for less than six hours as determined pursuant to subsection (b).

Sec. 21. On and after July 1, 2022, K.S.A. 2021 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) Resides in Kansas; and

(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) 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~~ *seven years of age or under*; 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 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.

(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" 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. 22. On and after July 1, 2022, K.S.A. 2021 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 K.S.A. 2021 Supp. 72-5180, 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~~ *does* 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 K.S.A. 2021 Supp. 72-5180, 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, 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; *and*

(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~~ *mean* 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 K.S.A. 2021 Supp. 72-5180, 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.

(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) "School year" means the 12-month period ending June 30.

(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.

(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.

(hh) "State board" means the state board of education.

(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.

(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 ½ 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, to the nearest $^1/_{10}$, 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 $^5/_6$ time, otherwise the student shall be counted as that proportion of one student, to the nearest $^1/_{10}$, 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 $^5/_6$ time, otherwise the student shall be counted as that proportion of one student, to the nearest $^1/_{10}$, 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 $^1/_{10}$, 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 $^1/_{10}$, 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 $^1/_{10}$, 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, $^3/_4$ of a student; and~~

~~(c) for school year 2021-2022 and each school year thereafter,~~ $^1/_2$ of a student.

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

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

~~(b)~~*(ii)* 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 K.S.A. 2021 Supp. 72-5180, and amendments thereto.

(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.

(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.

(mm) "Virtual school" means the same as such term is defined in K.S.A. 72-3712, and amendments thereto.

Sec. 23. On and after July 1, 2022, K.S.A. 72-5135 is hereby amended to read as follows: 72-5135. (a) The distribution of state foundation aid under this act shall be made in accordance with appropriation acts each year as provided in this section.

(b) (1) In the months of July through May of each school year, the state board shall determine the amount of state foundation aid that will be required by each school district to maintain operations in each such month. In making such determination, the state board shall take into consideration the school district's access to local foundation aid and the obligations of the general fund that must be satisfied during the month. The amount determined by the state board under this provision is the amount of state foundation aid that will be distributed to the school district in the months of July through May.

(2) In the month of June of each school year, payment shall be made

of the full amount of the state foundation aid determined for the school year less the sum of the monthly payments made in the months of July through May pursuant to subsection (b)(1).

(c) Payments of state foundation aid shall be distributed to school districts once each month on the dates prescribed by the state board. The state board shall certify to the director of accounts and reports the amount due as state foundation aid to each school district in each of the months of July through June. Such certification, and the amount of state foundation aid payable from the state general fund, shall be approved by the director of the budget. The director of accounts and reports shall draw warrants on the state treasurer payable to the school district treasurer of each school district, pursuant to vouchers approved by the state board. Upon receipt of such warrant, each school district treasurer shall deposit the amount of state foundation aid in the general fund of the school district~~, except that an amount equal to the amount of federal impact aid not included in the local foundation aid of a school district may be disposed of as provided in K.S.A. 72-5166(a), and amendments thereto~~.

(d) If any amount of state foundation aid that is due to be paid during the month of June of a school year pursuant to the other provisions of this section is not paid on or before June 30 of such school year, then such payment shall be paid on or after the ensuing July 1, as soon as moneys are available therefor. Any payment of state foundation aid that is due to be paid during the month of June of a school year and that is paid to school districts on or after the ensuing July 1 shall be recorded and accounted for by school districts as a receipt for the school year ending on the preceding June 30.

Sec. 24. On and after July 1, 2022, K.S.A. 2021 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~~ *digitally update on the website of the state department of education the* performance accountability~~ report~~ *reports* and~~ a~~ longitudinal achievement~~ report for~~ *reports upon* all students enrolled in any public school or accredited nonpublic school in the state, each school district, 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) On or before January 15 of each year, the state department of education shall prepare written academic achievement reports to provide a summary of student achievement in this state and shall submit such reports to the governor and the legislature. Such written academic achievement reports shall:

(1) Provide a statewide summary of the performance accountability reports and longitudinal achievement reports prepared pursuant to this section. Such summary report shall provide:

(A) Achievement data from the English language arts assessments and math assessments over the preceding five years for all students and student subgroups to show whether there are statewide trends in academic improvement or learning loss among all students and student subgroups;

(B) a comparison to any other evaluation metric used by the state board of education to evaluate student achievement such as college and career readiness measurements or graduation rates;

(C) a comparison to other educational assessments that measure academic performance such as the national assessment of educational progress;

(D) an analysis of the trends in student achievement outcomes and a review of conditions that are impacting recent student achievement outcomes;

(E) a review of the academic interventions that school districts are using to improve student performance, whether the state board of education has any specific recommendations regarding academic interventions to improve academic achievement and an estimation of the academic achievement gains that can be expected from such interventions; and

(F) a summary of the performance levels and the scale and cut scores for the statewide assessments and how such information should be used to draw conclusions about student achievement; and

(2) provide a student-focused longitudinal achievement report that provides information on the academic achievement of certain student cohort groups to show the achievement gains or learning losses that are occurring for such students. Such report shall begin with the students who are entering grade three and grade eight in school year 2022-2023. The report shall summarize the longitudinal achievement of such students over a three-year period and shall be repeated every three years for the students entering such grade levels. The longitudinal report shall provide:

(A) A summary of the improvement or learning loss that is occurring within such student cohort groups over such three-year period for all such students and the student subgroups;

(B) an analysis of the evaluations and metrics that are used to measure the year-over-year achievement of such student cohort groups;

(C) a review of the academic interventions that school districts are using to improve student performance within such student cohort groups, whether the state board of education has any specific recommendations regarding academic interventions to improve academic achievement and an estimate of the academic achievement gains that can be expected from such interventions; and

(D) the achievement results from the English language arts assessments and math assessments for such student cohort groups and any other assessment data pertaining to such student cohort groups, including, but not limited to, the national assessment for educational progress, the ACT college entrance exam and the pre-ACT assessment.

(d) All reports prepared pursuant to this section shall be published in accordance with K.S.A. 2021 Supp. 72-1181, and amendments thereto.

Sec. 25. On and after July 1, 2022, K.S.A. 72-5461 is hereby amended to read as follows: 72-5461. (a) Upon receiving an application under K.S.A. 72-5460, and amendments thereto, the state board of education shall review the application and examine the evidence furnished in support of the application.

(b) (1) ~~Commencing in school year 2017-2018,~~ The state board of education shall not approve any application submitted during the current school year if such approval would result in the aggregate amount of all general obligation bonds approved by the state board for such school year exceeding the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year adjusted for inflation pursuant to paragraph (4). For any application submitted during the current school year in excess of $175,000,000, the state board shall apply only an amount of $175,000,000 of such application when determining whether the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year has been exceeded. In determining whether to approve an application, the state board shall prioritize applications 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.

(2) The state board shall not consider a school district's eligibility for capital improvement state aid, or the amount of capital improvement state aid a school district would be eligible to receive, in determining whether to approve such district's application.

(3) The provisions of subsection (b)(1) shall not apply to school districts that*:*

(A) Have not issued any general obligation bonds in the 25 years prior to the current school year*; or*

(B) do not receive capital improvement state aid because such school district is not eligible to receive such aid or has opted out of receiving such aid in the resolution adopted as provided in K.S.A. 72-5457, and amendments thereto.

(4) The state board shall adjust the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year by adding an amount equal to the five-year compounded percentage increase in the producer price index industry data for new school building construction as published by the bureau of labor statistics of the United States department of labor for the five immediately preceding school years.

(c) After reviewing the application and examining the supportive evidence, the state board of education shall issue an order either granting or denying the application. If the application is approved, the applicant board of education shall request the county election officer to hold an election to vote upon the question of issuing the increased amount of bonds in the manner provided by law.

(d) Any application that is denied pursuant to subsection (b) may be tentatively approved by the state board of education for the immediately succeeding school year. The amount of general obligation bonds approved in any such application shall be counted first towards the aggregate amount of all general obligation bonds approved by the state board for such school year.

(e) ~~Commencing in school year 2017-2018,~~ The state board of education shall determine the aggregate principal amount of general obligation bonds retired in the immediately preceding school year.

(f) The provisions of subsections (b), (d) and (e) shall expire on June 30, ~~2022~~ *2027*.

Sec. 26. On and after July 1, 2022, K.S.A. 2021 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~~ *that* 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, *but prior to July 1, 2022,* 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*, but prior to July 1, 2022*; 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 after July 1, 2022, the state board of education shall:*

(A) Except as provided in subsection (b)(9), 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)(3);

(B) except as provided in subsection (b)(9), 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 51%;

(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, 2022; and

(E) multiply the amount determined under subsection (b)(3)(D) by the applicable state aid percentage factor.

(4) 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)~~*(5) (A)* 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) *or (b)(3)(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)~~*(B)* 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)~~*(C)* (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)~~*(D)* 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)~~ *(b)(6)* prior to an election to approve the issuance of general obligation bonds.

~~(5)~~*(6)* Except as provided in subsections ~~(b)(6) and~~ (b)(7) *through (b)(9)*, the sum of the amounts determined under subsection ~~(b)(3)~~ *(b)(4)* and the amount determined or allocated to the district by the state board of education pursuant to subsection ~~(b)(4)~~ *(b)(5)*, is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

~~(6)~~*(7)* 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)~~*(8)* 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) *and (b)(3)(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.

(9) For general obligation bonds approved for issuance at an election held on or after July 1, 2022, the state board of education shall:

(A) In preparing the schedule of dollar amounts pursuant to subsection (b)(3)(B), exclude unified school district No. 207, Fort Leavenworth, from such schedule and determine the point of beginning based on the

amount of the AVPP of the school district with the lowest AVPP of the remaining school districts; and

(B) in determining the amount of the AVPP of a school district, exclude the number of students enrolled in a virtual school, as defined in K.S.A. 72-3712, and amendments thereto, that is offered by such school district from the determination of the AVPP of such school district.

(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, 2021,~~ June 30, 2022, ~~and~~ June 30, 2023, *and June 30, 2024,* 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)~~ *(b)(5)(D)*.

Sec. 27. On and after July 1, 2022, K.S.A. 72-6316 is hereby amended to read as follows: 72-6316. ~~No~~ *(a) A nonacademic* test, questionnaire, survey or examination containing any questions about the ~~student's~~ personal *and private attitudes, values,* beliefs or practices ~~on issues such as sex, family life, morality or religion, or any questions about the student's~~

~~parents' or guardians' beliefs and practices on issues such as sex, family life, morality or religion,~~ *of the student or the student's parents, guardians, family members, associates, friends or peers that is administered during the school day* shall *not* be administered to any student enrolled in kindergarten or grades one through 12, unless the parent or guardian of the student*:*

(1) Is notified in writing *not more than four months in advance of the administration of such test, questionnaire, survey or examination* that ~~this~~ *such* test, questionnaire, survey or examination is to be administered ~~and the parent or guardian of the student~~*. Such notification shall include:*

(A) A copy of the test, questionnaire, survey or examination that is to be administered;

(B) information on how the parent or guardian may provide written consent to authorize the student to take such test, questionnaire, survey or examination;

(C) the name of the company or entity that produces or provides the test, questionnaire, survey or examination to the school; and

(D) whether the school will receive or maintain the resulting data and an explanation of how the school intends to use and maintain such data; and

(2) gives written ~~permission for~~ *consent through a written or electronic signature to authorize* the student to take ~~this~~ *the* test, questionnaire, survey or examination *or, in the event of an immediate need, gives verbal consent*. ~~This section shall not prohibit school counselors from providing counseling services to a student, including the administration of tests and forms which are part of a counselor's student counseling services. Any information obtained through such tests or counseling services shall not be stored on any personal mobile electronic device which is not owned by the school district, including but not limited to, laptops, tablets, phones, flash drives, external hard drives or virtual servers~~ *Such written consent may only be accepted after a parent or guardian has received the notification required pursuant to paragraph (1) and had an opportunity to review the information contained in such notification. Written consent shall be provided separately for each individual test, questionnaire, survey or examination that is to be administered.*

(b) Notwithstanding a parent or guardian's consent for a student to take any such test, questionnaire, survey or examination, a student shall have the right to refuse to take any such test, questionnaire, survey or examination at any time without limitation. Prior to the administration of any such test, questionnaire, survey or examination, each student shall be informed that such student has the right to refuse to take such test, questionnaire, survey or examination and that the student will not suffer any adverse consequences based on such refusal.

(c) Prior to the administration of any such test, questionnaire, survey or examination, a school district shall post and maintain a copy of such test, questionnaire, survey or examination on the school district website.

(d) No personally identifiable student data shall be collected through any such test, questionnaire, survey or examination.

(e) Except as provided in subsection (f), the provisions of this section shall apply to any test, questionnaire, survey or examination described in subsection (a) that is administered or proposed to be administered to any student by any employee of a school district, including, but not limited to, any administrator, teacher, counselor, social worker, psychologist or nurse.

(f) Notwithstanding the provisions of this section, if any school district employee becomes aware that a student may be at risk of suicide by a credible report from the student, the student's peers or another school district employee, the school personnel who are designated by the school to administer a suicide risk assessment or screening tool may administer such risk assessment or screening tool in accordance with the provisions of this subsection to determine whether the student could be at risk for suicide. Such designated school personnel may include, but is not limited to, any administrator, teacher, counselor, social worker, psychologist or nurse. Prior to the administration of any such risk assessment or screening tool, the designated school personnel shall verbally notify the parent or guardian before the administration of such risk assessment or screening tool and obtain the consent of the parent or guardian. If the designated school personnel is unable to verbally notify the parent or guardian of the student and obtain consent after reasonable attempts to do so, the designated school personnel may administer the risk assessment or screening tool without such consent. If a risk assessment or screening tool is administered without the parent or guardian's consent, as soon as contact with the parent or guardian is made, the designated school personnel shall notify the parent or guardian of the administration of such assessment or screening tool and provide to the parent or guardian all information obtained from the risk assessment or screening tool administered to the student.

Sec. 28. K.S.A. 2021 Supp. 74-32,271 is hereby amended to read as follows: 74-32,271. (a) K.S.A. 2021 Supp. 74-32,271 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 *and with a recognized service area*;

(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. 2021 Supp. 48-3406, and amendments thereto.

(3) "Part-time student" means a student who is enrolled for six credit hours or more in ~~a~~ *the fall, summer or spring* 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*:*

(A) Approved by the state board of regents;

(B) high wage, high demand or critical need; and

(C) identified as a "promise eligible program" by the state board of regents pursuant to K.S.A. 2021 Supp. 74-32,272, and amendments thereto, or ~~designated as~~ a "promise eligible program" *within a field of study designated* by an eligible postsecondary educational institution pursuant to K.S.A. 2021 Supp. 74-32,273, and amendments thereto.

Sec. 29. K.S.A. 2021 Supp. 74-32,272 is hereby amended to read as follows: 74-32,272. (a) There is hereby established the Kansas promise scholarship program. The state board of regents shall *implement and* administer the program.

(b) On or before March 1, ~~2022~~ *2023*, 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) *A* scholarship application ~~deadlines~~ *process, including, but not limited to, accepting scholarship applications throughout the academic year and processing such applications in the order such applications were received*;

(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, *which shall not be more*

stringent than the requirements for Kansas promise scholarship agreements provided in this act;

(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 K.S.A. 2021 Supp. 74-32,276, 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*; and*

(8) that no eligible postsecondary educational institution may:

(A) Limit scholarship awards to certain promise eligible programs at such institution; or

(B) award less than the full Kansas promise scholarship amount for which a student qualifies as long as funds are available in the Kansas promise scholarship program fund.

(c) The state board of regents shall:

(1) Identify the promise eligible programs offered by each eligible postsecondary educational institution that are:

(A) *Within a field of study designated by the eligible postsecondary educational institution pursuant to K.S.A. 2021 Supp. 74-32,273, and amendments thereto; and*

(B) 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 K.S.A. 2021 Supp. 74-32,273, 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 *and any state agency* necessary for the administration of this act;

(5) ~~ensure that any student~~ *accept electronic signatures as sufficient and valid on all forms and agreements required by the Kansas promise scholarship program and any rules and regulations adopted thereunder;*

(6) enforce Kansas promise scholarship agreements;

(7) collect any moneys repaid by students pursuant to K.S.A. 2021 Supp. 74-32,276, and amendments thereto;

(8) determine whether students who received a Kansas promise scholarship ~~fulfills~~ *fulfill* the residency, employment and repayment requirements provided in K.S.A. 2021 Supp. 74-32,276, and amendments thereto; and

~~(6)~~*(9)* 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. *Such report shall include, but not be limited to, the total program cost for each promise eligible program at each eligible postsecondary educational institution, the amount of scholarship moneys awarded that went to each promise eligible program, the number of credit hours paid for with scholarship moneys, the amount of scholarship moneys expected to be awarded to each institution for each semester, the number of scholarships awarded, the total amount of scholarship moneys awarded, the amount of scholarship moneys provided for tuition, fees, books and supplies, measures postsecondary educational institutions have taken in working with private business and industry in the state to determine appropriate fields of study and a review of the employment of scholarship recipients who have completed the Kansas promise scholarship program, including, but not limited to, employment fields and geographic location of such employment.*

(d) (1) The state board of regents may designate an associate degree transfer program as an eligible program only if such program is included in:

(A) An established 2+2 agreement with a Kansas four-year postsecondary educational institution; or

(B) an articulation agreement with a Kansas four-year postsecondary educational institution and is part of an established degree pathway that allows a student to transfer at least 60 credit hours from the eligible postsecondary educational institution to a four-year postsecondary educational institution for the completion of an additional 60 credit hours toward a bachelor's degree.

(2) The provisions of this subsection shall be construed and applied retroactively to the enactment of the Kansas promise scholarship program on July 1, 2021.

(e) (1) The state board of regents may remove a promise eligible program from the list of approved promise eligible programs only in accordance with this subsection. If the state board of regents proposes to remove

a promise eligible program from such list, the state board of regents shall notify all eligible postsecondary educational institutions of the proposal to remove such program by May 1 of the calendar year that precedes the calendar year in which such program would officially be removed from such list. Within 30 calendar days of receipt, each eligible postsecondary educational institution may appeal such proposed removal to the state board of regents. Following such appeal period, within 45 calendar days, the state board of regents shall consider any such appeal and issue a final decision upon whether the program shall be removed. If the state board of regents issues a final decision to remove such program, the program shall be removed from the list of approved promise eligible programs only after not less than 14 months have elapsed from the date that the state board of regents issued the final decision to remove such program.

(2) The provisions of this subsection shall apply to any program that has been approved by the state board of regents as a promise eligible program on or after July 1, 2021.

Sec. 30. K.S.A. 2021 Supp. 74-32,273 is hereby amended to read as follows: 74-32,273. (a) ~~Subject to subsection (b)~~ *In addition to the fields of study provided in K.S.A. 2021 Supp. 74-32,272, and amendments thereto, an eligible postsecondary educational institution may designate an additional field of study for awarding a Kansas promise scholarship to meet local employment needs if:*

(1) Promise eligible programs within such field of study are two-year associate degree programs or career and technical education certificates or stand-alone programs approved by the state board of regents that correspond to jobs that are high wage, high demand or critical need in the community;

(2) the institution already offers such field of study; and

(3) such field of study is one of the following:

(A) Agriculture;

(B) food and natural resources;

(C) education and training;

(D) law, public safety, corrections and security; or

(E) distribution and logistics.

(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~~ *field of study* pursuant to *this* ~~subsection (a)~~ *section* shall maintain the promise eligible ~~program~~ *field of study* designation ~~of such program~~ for at least three consecutive years. After maintaining such ~~program~~ *field of study* for at least three years, the institution may designate a new promise eligible ~~program~~ *field of study* that corresponds to a high wage, high demand or critical need occupation to replace the existing designated promise eligible ~~program~~ *field of study*. Any newly designated ~~program~~ *field of study* shall be subject to the requirements of this section.

(c) Programs designated by eligible institutions prior to the effective date of this act shall be maintained until all students currently enrolled in such programs have exhausted their promise scholarship eligibility.

Sec. 31. K.S.A. 2021 Supp. 74-32,274 is hereby amended to read as follows: 74-32,274. (a) (1) Subject to appropriations, the amount of a Kansas promise scholarship for a student for each ~~semester~~ *academic year* 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~~ *academic year*.

(2) If a student is enrolled in a promise eligible program offered by ~~a four-year~~ *an* eligible *private* postsecondary educational institution *described in K.S.A. 2021 Supp. 74-32,271(b)(1)(C), and amendments thereto*, 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~~ *described in K.S.A. 2021 Supp. 74-32,271(b)(1)(A) or (B), and amendments thereto*.

(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 *one or* 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) *(1) Kansas promise scholarship awards shall be used only to pay for up to a total of 68 promise scholarship funded credit hours or a total of $20,000 in Kansas promise scholarship awards, whichever occurs first, over the lifetime of the student who received the Kansas promise scholarship award regardless of the eligible postsecondary educational institution such student attended.*

(2) Kansas promise scholarship awards shall not be used to fund:

(A) Prerequisite classes required for a promise eligible program unless such classes are a designated course within the eligible program; or

(B) any remedial course, as defined in K.S.A. 76-7,151, and amendments thereto, unless such course is offered in a corequisite format.

(d) For *each* fiscal ~~years 2022 and 2023~~ *year*, 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.~~

(e) The state board of regents shall disburse funds based on reimbursement requests from eligible postsecondary educational institutions. Reimbursement requests shall be based on the actual amount of Kansas promise scholarship amounts awarded by an eligible postsecondary educational institution for the appropriate academic period. Any eligible postsecondary educational institution seeking reimbursement shall submit a reimbursement request to the state board of regents on or before September 1, December 1, March 1 and June 1 of each year. The state board of regents shall disburse the appropriate amount of funds to eligible postsecondary educational institutions on September 15, December 15, March 15 and June 15 each year.

(f) As used in this section, "aid" includes any grant, scholarship or financial assistance awards that do not require repayment. "Aid" does not include any military financial educational benefits or any family postsecondary savings account or other qualified tuition program established pursuant to section 529 of the internal revenue code of 1986, as amended.

Sec. 32. K.S.A. 2021 Supp. 74-32,275 is hereby amended to read as follows: 74-32,275. (a) To be eligible for a Kansas promise scholarship, a student shall:

(1) *Be a United States citizen;*

(2) be a Kansas resident;

~~(2)~~*(3)* (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 *as evidenced by the date of issuance on a Kansas-issued identification card or through Kansas voter registration records or Kansas income tax documentation*; ~~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; *or*

(F) have been in the custody of the secretary for children and families at any time such student was enrolled in and attending any of the grades nine through 12 and not eligible for assistance under the Kansas foster child educational assistance act, K.S.A. 75-53,111 et seq., and amendments thereto;

~~(3)~~*(4)* complete the required scholarship application on such forms and in such manner as established by the state board of regents;

~~(4)~~*(5)* enter into a Kansas promise scholarship agreement pursuant to K.S.A. 2021 Supp. 74-32,276, and amendments thereto;

~~(5)~~*(6)* complete the free application for federal student aid for the academic year in which the student applies to receive a Kansas promise scholarship. *Such submitted application shall be determined to be valid and free of error codes in order to calculate the amount of scholarship to be awarded*; and

~~(6)~~*(7)* enroll in an eligible postsecondary educational institution in a promise eligible program.

(b) *(1)* To continue to receive a Kansas promise scholarship, a student shall:

~~(1)~~*(A)* Maintain satisfactory academic progress ~~toward completion of~~ *in the courses of* the promise eligible program *for which the student received a Kansas promise scholarship*; and

~~(2)~~*(B)* satisfy the requirements of a Kansas promise scholarship agreement as provided in K.S.A. 2021 Supp. 74-32,276, and amendments thereto.

(2) Any student who entered into a Kansas promise scholarship agreement under the provisions of the Kansas promise scholarship act as such act existed at the time such agreement was entered into shall be entitled to continue to use such Kansas promise scholarship and receive scholarship renewals to fulfill the requirements of such student's Kansas promise scholarship agreement. No subsequent revision or amendment to the Kansas promise scholarship act, the rules and regulations adopted thereunder,

the list of approved promise eligible programs or the appropriations made pursuant to such act shall have the effect of terminating a student's Kansas promise scholarship agreement solely due to such amendment or revision.

(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. 33. K.S.A. 2021 Supp. 74-32,276 is hereby amended to read as follows: 74-32,276. (a) As a condition to receiving a Kansas promise scholarship, an eligible student shall enter into a Kansas promise scholarship agreement with the *state board of regents. The* eligible postsecondary educational institution making the scholarship award to such student *shall counsel each eligible student on the requirements and conditions of the promise scholarship agreement*. Such agreement shall require ~~such~~ *any* 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~~ *36* 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. *A scholarship recipient may use a W-2 wage and tax statement showing Kansas withholding or estimated income tax to the state of Kansas as proof of work in Kansas*; 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) *to the state board of regents*.

(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~~ *student's first course funded by a Kansas promise scholarship award began. Interest shall begin accruing on the date the student is determined to be out of compliance with the Kansas promise scholarship agreement*. *Monthly* 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) For any Kansas promise scholarship awarded on or after July 1, 2021, the state board of regents shall be the sole entity responsible for collecting or recouping any Kansas promise scholarship funds required to be repaid by a student who fails to satisfy the requirements of a Kansas promise scholarship agreement pursuant to this section.

(3) The state board of regents is authorized to turn any repayment account arising under this act to a designated loan servicer or collection agency *to collect on the state board's behalf*, 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.

(4) Eligible postsecondary educational institutions and each state agency are authorized to provide academic, employment, residency and contact information regarding students who received a Kansas promise scholarship to the state board of regents for the purposes of:

(A) Determining whether or not a student satisfied the requirements of this act and the Kansas promise scholarship agreement; and

(B) aiding in the collection or recoupment of any funds required to be repaid pursuant to this section.

(5) Eligible postsecondary educational institutions shall:

(A) Provide annually to the state board of regents the last known contact information of each student who received a Kansas promise scholarship until the requirements of the program and scholarship agreement are complete; and

(B) notify the state board of regents when a student who received a Kansas promise scholarship:

(i) Completes the program of study for which the student received the scholarship or has exhausted scholarship benefits; and

(ii) exceeds the 36-month program completion requirement provided

in this section. This requirement shall apply to any Kansas promise scholarship awarded on or after July 1, 2021.

(6) For any Kansas promise scholarship awarded on or after July 1, 2021, eligible postsecondary educational institutions shall not be considered a contractor of the state nor shall such institutions be required to participate in tracking, collecting or recouping any funds required to be repaid by a student who fails to satisfy the requirements of a Kansas promise scholarship agreement pursuant to this section.

(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 *scholarship* recipient.

Sec. 34. On and after July 1, 2022, K.S.A. 2021 Supp. 75-4364 is hereby amended to read as follows: 75-4364. (a) *This section shall be known and may be cited as the Kansas hero's scholarship act.*

(b) As used in this section:

(1) *"Accident" means an undesigned, sudden and unexpected traumatic event, usually of an afflictive or unfortunate nature and often, but not necessarily, accompanied by a manifestation of force. An "accident" shall be identifiable by the time and place of occurrence, produce at the time symptoms of an injury and occur during a single work shift. The "accident" shall be the prevailing factor in causing the injury.*

(2) "Covered person" means a public safety officer or Kansas resident in military service to whom this section applies.

(3) "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)~~*(4)* "Emergency medical service provider" means the same as defined in K.S.A. 65-6112, and amendments thereto.

(5) "Fees" mean those charges required by an institution to be paid by every student as a condition of enrollment. "Fees" do not include all other charges associated with the student's academic program or living costs.

~~(3)~~*(6)* "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.

(7) "Injured or disabled" means that the covered person, because of the injury or disability, has been rendered incapable of performing the duties of the following:

(A) The position being performed at the time the injury or disability was sustained; and

(B) any position that is at or above the pay level of the position the covered person was in at the time the injury or disability was sustained, if the covered person is a paid employee.

(8) "Injury" and "disability" mean any lesion or change in the physical structure of the body causing damage or harm thereto that is not transitory or minor. "Injury" and "disability" shall occur only by accident, intentional act of violence or repetitive trauma.

(9) (A) "Intentional act of violence" means one or a combination of the following:

(i) A deliberate act by a third party that results in inflicting harm on a covered person while such person is performing those duties; or

(ii) a deliberate act by a covered person in the reasonable performance of duties as a covered person that results in the infliction of harm on the covered person.

(B) An "intentional act of violence" shall be identifiable by the time and place of occurrence, produce at the time symptoms of an injury and occur during a single work shift. The "intentional act of violence" shall be the prevailing factor in causing the injury.

(C) "Intentional act of violence" does not include repetitive trauma in any form.

~~(4)~~*(10)* "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)~~*(11)* "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)~~*(12)* "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.

(13) "Nature of the employment" means that, to the occupation, trade or employment in which the covered person was engaged, there is attached a particular and peculiar hazard of the injury or disability that distinguishes the performance of job duties from other occupations and employments and that creates a hazard of such injury or disability in excess of the hazard of the injury or disability in general.

~~(7)~~*(14)* "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.

(15) "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.

~~(8)~~*(16)* "Public safety officer" means a law enforcement officer, a firefighter, an emergency medical service provider or a public safety employee.

(17) (A) "Repetitive trauma" means the cause of an injury that occurs as a result of repetitive use, cumulative traumas or microtraumas. The repetitive nature of the injury shall be demonstrated by diagnostic or clinical tests. The "repetitive trauma" shall be the prevailing factor in causing the injury.

(B) For purposes of the educational benefit conferred by this section, "repetitive trauma" includes only an injury arising out of the performing of duties and resulting from the nature of the employment in which a covered person was engaged and that was actually contracted while so engaged. The injury shall appear to have had its origin in a special risk of the injury connected with the particular type of employment and to have resulted from that source as a reasonable consequence of the risk. Ordinary injuries of life and conditions to which the general public is or could be exposed outside of the particular employment, and hazards of injuries and conditions attending employment in general, shall not qualify as "repetitive trauma."

~~(9)~~*(18)* "Resident of Kansas" means a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.

~~(10)~~*(19)* "Spouse" means the spouse of a ~~deceased~~ public safety officer or ~~deceased~~ member of the military service who has not remarried.

~~(11)~~*(20)* "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)~~*(c)* (1) Every Kansas educational institution shall provide for enrollment without charge of tuition or fees for:

(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;

(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

(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)~~*(d)* 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~~ *$500,000*. 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)~~*(e)* 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. 35. K.S.A. 2021 Supp. 74-32,271, 74-32,272, 74-32,273, 74-32,274, 74-32,275 and 74-32,276 are hereby repealed.

Sec. 36. On and after July 1, 2022, K.S.A. 19-5005, 38-2223, 72-3120, 72-3713, 72-3715, 72-5135, 72-5461 and 72-6316 and K.S.A. 2021 Supp. 72-1163, 72-4352, 72-5132, 72-5178, 72-5462 and 75-4364 are hereby repealed.

Sec. 37. On and after July 1, 2023, K.S.A. 72-13,101, 72-3122, 72-3123, 72-3124 and 72-3125 are hereby repealed.

Sec. 38. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 16, 2022.

Published in the *Kansas Register* May 26, 2022.

CHAPTER 95

HOUSE BILL No. 2387

AN ACT concerning the executive branch; relating to actions by state agencies and the governor; prohibiting the issuance of a request for proposal or entering into a new contract for the administration and provision of benefits under the medical assistance program; relating to the Kansas emergency management act; removing the authority of the governor to prohibit attending or conducting certain religious services and worship services; amending K.S.A. 2021 Supp. 48-925 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) On or before January 31, 2023, no state agency, including the governor, shall:

(1) Issue a request for proposal for the administration and provision of benefits under the medical assistance program; or

(2) enter into any new contract with managed care organizations for the administration and provision of benefits under the medical assistance program.

(b) Except to the extent prohibited by 42 U.S.C. § 1396u-2(a)(2) or other federal law, the secretary of health and environment shall continue to administer medical assistance benefits using managed care entities as described in 42 U.S.C. § 1396u-2.

(c) This section shall expire on January 31, 2023.

Sec. 2. K.S.A. 2021 Supp. 48-925 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 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. 2021 Supp. 48-924b, and amendments thereto. The chairperson of the legislative coordinating council shall call a meeting of the 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. 2021 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 ~~subsections~~ *subsection* (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 *under the provisions of the Kansas emergency management act or any other law* to*:*

(1) 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) The governor shall not have the power under the provisions of the Kansas emergency management act or the provisions of any other law to~~*;*

(2) 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*; or*

(3) prohibit attending or conducting any religious service or worship service in a church, synagogue or place of worship.

~~(f)~~*(e)* 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.

~~(g)~~*(f)* (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. 2021 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)~~*(g)* (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. 3. K.S.A. 2021 Supp. 48-925 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

CERTIFICATE

In accordance with K.S.A. 45-304, it is certified that **HB 2387**, was not approved by the Governor on May 13, 2022; was returned by her with her objections and approved on May 23, 2022 by two-thirds of the members elected to the House of Representatives notwithstanding the objections of the Governor; was reconsidered by the Senate and was approved on May 23, 2022, by two-thirds of the members elected to the Senate, notwithstanding the objections, the bill did pass and shall become law.

This certificate is made this 24th day of May 2022, by the President of the Senate and Secretary of the Senate and the Speaker of the House and Chief Clerk of the House.

Ty Masterson
President of the Senate

Corey Carnahan
Secretary of the Senate

Ron Ryckman
Speaker of the House of Representatives

Susan W. Kannarr
Chief Clerk of the House of Representatives

Governor's veto overridden (See Messages from the Governor)

Published in the *Kansas Register* June 2, 2022.

CHAPTER 96

Senate Substitute for HOUSE BILL No. 2252

AN ACT concerning elections; prohibiting the modification of election laws by agreement except as approved by the legislature; amending K.S.A. 25-125 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 25-125 is hereby amended to read as follows: 25-125. (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) *Neither the governor,* the secretary of state *nor any other officer in the executive branch* shall ~~not~~ enter into any consent decree or other agreement with any state or federal court *or any agreement with any other party* regarding the enforcement of any election law or the alteration of any election procedure without specific approval of such consent decree *or other agreement* by the *legislature or the* legislative coordinating council *if the legislature is not in session at the time such agreement is submitted for approval*.

(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.

Sec. 2. K.S.A. 25-125 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

CERTIFICATE

In accordance with K.S.A. 45-304, it is certified that **Senate Substitute for HB 2252**, was not approved by the Governor on May 13, 2022; was returned by her with her objections and approved on May 23, 2022 by two-thirds of the members elected to the House of Representatives notwithstanding the objections of the Governor; was reconsidered by the Senate and was approved on May 23, 2022, by two-thirds of the members elected to the Senate, notwithstanding the objections, the bill did pass and shall become law.

This certificate is made this 24th day of May 2022, by the President of the Senate and Secretary of the Senate and the Speaker of the House and Chief Clerk of the House.

TY MASTERSON
President of the Senate

COREY CARNAHAN
Secretary of the Senate

RON RYCKMAN
Speaker of the House of Representatives

SUSAN W. KANNARR
Chief Clerk of the House of Representatives

Governor's veto overridden (See Messages from the Governor)

CHAPTER 97

HOUSE BILL No. 2510

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AN ACT making and concerning appropriations for the 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. 2021 Supp. 76-1959 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) For the fiscal years ending 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, 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 2022 and shall constitute the omnibus reconciliation spending limit bill for the 2022 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.

Sec. 2.

KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 9(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the board of barbering fee fund (100-00-2704-0100) of the Kansas board of barbering is hereby increased from $178,073 to $198,073.

(b) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 9(b) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the board of barbering fee fund (100-00-2704-0100) of the Kansas board of barbering is hereby increased from $172,840 to $180,840.

Sec. 3.

BOARD OF NURSING

(a) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 15(b) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the board of nursing fee fund (482-00-2716-0200) of the board of nursing is hereby increased from $3,043,871 to $3,084,471.

Sec. 4.

STATE BOARD OF PHARMACY

(a) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 17(c) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy is hereby increased from $3,152,132 to $3,273,406.

Sec. 5.

KANSAS REAL ESTATE COMMISSION

(a) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section18(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the real estate fee fund (549-00-2721-0100) of the Kansas real estate commission is hereby increased from $1,197,838 to $1,397,838.

Sec. 6.

STATE BOARD OF VETERINARY EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 19(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the veterinary examiners fee fund (700-00-2727-1100) of the state board of veterinary examiners is hereby increased from $339,745 to $349,001.

Sec. 7.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Legislative research department –
operations (425-00-1000-0103) $81,842

Office of revisor of statutes –
operations (579-00-1000-0103) $163,684

Sec. 8.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Legislative information system (428-00-1000-0300) $5,097,000

(b) During the fiscal year ending June 30, 2023, 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 2023 as authorized by section 24 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2023 to create an interim study committee on Sedgwick county regional mental health bed expansion: *Provided,* That such committee shall consist of 11 members as follows: (1) The members of the legislative budget committee; (2) the chairperson and vice chairperson of the 2021 special committee on Kansas mental health modernization and reform; (3) a member of the minority party of the house of representatives appointed by the legislative coordinating council; and (4) a member of the senate appointed by the legislative coordinating council: *Provided further,* That such committee shall develop a plan for providing a facility with acute inpatient psychiatric adult beds and adult forensic beds in the Sedgwick county regional area: *And provided further,* That such facility shall not exceed 50 total beds: *And provided further,* That such committee shall define the terms of such facility and the operation agreement of such facility: *And provided further,* That such interim committee shall report any recommendations regarding such facility to the state finance council on or before October 1, 2022.

Sec. 9.

GOVERNOR'S 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:

Nursing facilities support fund $15,000,000

(b) 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 by section 28 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys to consult with the director of the budget who 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 nursing facilities support, 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, 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 from each fund to the director of accounts and reports and 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 $15,000,000 as available from such funds to the the nursing facilities support fund of the above agency: *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. 10.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Court appointed special advocates $225,000

(b) Expenditures shall be made from the American rescue plan – state fiscal relief federal fund (252-00-3756) for the fiscal year ending June 30, 2023, pursuant to the authority in 42 U.S.C. § 802(c)(1) or other relevant authority, to provide government services, for the following specified purposes:

Colby CC project grant $1,843,594

Provided, That all moneys from the Colby CC project grant account shall be for the career and technical education agricultural center: *Provided further,* That all expenditures from such account shall require a local grant

match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Seward County CC project grant $1,843,594

Provided, That all moneys from the Seward County CC project grant account shall be for the professional truck driver program and diesel technology lab: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Coffeyville CC project grant.....$425,987

Provided, That all moneys from the Coffeyville CC project grant account shall be for the construction, electrical, fire science and welding technology programs: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Butler County CC project grant.....$572,268

Provided, That all moneys from the Butler County CC project grant account shall be for the culinary arts and hospitality and management programs: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Barton CC project grant $1,843,594

Provided, That all moneys from the Barton CC project grant account shall be for the agriculture, farm machine and transportation technology complex: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

North central Kansas technical college project grant.....$1,843,594

Provided, That all moneys from the North central Kansas technical college project grant account shall be for the carpentry and commercial drivers' license programs: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Northwest Kansas technical college project grant.....$600,104

Provided, That all moneys from the Northwest Kansas technical college project grant account shall be for the cybersecurity and cryptosecurity programs: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Washburn institute of technology project grant.....$1,843,594

Provided, That all moneys from the Washburn institute of technology project grant account shall be for the manufacturing training center: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Wichita state technical college project grant $1,843,594

Provided, That all moneys from the Wichita state technical college project grant account shall be for the smart manufacturing, industry training 4.0 and associate degree nursing programs: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Flint hills technical college project grant.....$500,000

Provided, That all moneys from the Flint hills technical college project grant account shall be for welding equipment: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Salina technical college project grant.....$1,843,594

Provided, That all moneys from the Salina technical college project grant account shall be for the automation and maintenance programs: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Manhattan technical college project grant.....$1,843,594

Provided, That all moneys from the Manhattan technical college project grant account shall be for the biomanufacturing program expansion: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Fort Hays state university project grant.....$5,000,000

Provided, That all moneys from the Fort Hays state university project grant account shall be for the Gross coliseum improvements.

Emporia state university project grant.....$5,000,000

Provided, That all moneys from the Emporia state university project grant account shall be for the nursing program relocation and staffing.

Pittsburg state university project grant $5,000,000

Provided, That all moneys from the Pittsburg state university project grant account shall be for the expansion of the Tyler research development park and projects in block 22.

Washburn university project grant $3,000,000

Provided, That all moneys from the Washburn university project grant account shall be for the center for integrated health studies.

Animal nourishment facility economic
development infrastructure.....$5,000,000

Provided, That expenditures from the animal nourishment facility economic development infrastructure account shall be used by the above agency for the purpose of infrastructure for an animal nourishment facility for a city in Kansas with a population greater than 24,000 and less than 24,500 as of the 2020 census.

Southeast Kansas economic development infrastructure.....$5,000,000

Provided, That expenditures from the southeast Kansas economic development infrastructure account shall be used by the above agency for the purpose of infrastructure for a city in southeast Kansas with a population greater than 20,000 and less than 21,000 as of the 2020 census.

Northeast Kansas economic development $3,100,000

Provided, That expenditures from the northeast Kansas economic development account shall be used by the above agency for the purpose of the refurbishment of a building for housing for a city in northeast Kansas with a population greater than 12,200 and less than 12,700 as of the 2020 census.

Port authority transload facility economic development.....$2,500,000

Provided, That expenditures from the port authority transload facility economic development account shall be used by the above agency for the purpose of establishing a transload facility for a county in Kansas with a population greater than 4,000 and less than 4,300 as of the 2020 census and such county has been awarded a building a stronger economy grant in fiscal year 2022.

Economic expansion rural housing grant.....$20,000,000

Provided, That the expenditures from the economic expansion rural housing grant account shall be used by the above agency for the purpose of providing grants to housing projects intended to accommodate expansion due to recent economic development in a Kansas county with a population greater than 40,000 and less than 60,000 as of the 2020 census: *Provided further,* That the recent economic development will create over 500 new jobs and the housing project includes over $50,000,000 in capital investments: *And provided further,* That all moneys in the economic expansion rural housing grant account expended for fiscal year 2023 shall be matched by nonstate moneys on a $1-to-$1 basis.

Nutritional program grant.....$1,500,000

Provided, That the above agency shall consult with the Kansas department for aging and disability services to distribute such funding.

(c) During the fiscal year ending June 30, 2023, the expenditures in subsection (b) from the American rescue plan – state fiscal relief federal fund shall not be subject to the provisions of section 28(d) of 2022 House Substitute for Substitute for Senate Bill No. 267.

(d) During the fiscal year ending June 30, 2023, the provisions of section 196 of 2022 House Substitute for Substitute for Senate Bill No. 267 shall not apply to expenditures from the American rescue plan – state fiscal relief federal fund of the governor's department. Such expenditures are subject to the provisions of subsection (b).

(e) On July 1, 2022, the appropriation of all moneys credited to and available in the community colleges, technical colleges and Washburn project grant account of the American rescue plan – state fiscal relief federal fund for the fiscal year ending June 30, 2022, by section 28(f) of 2022 House Substitute for Substitute for Senate Bill No. 267 is hereby lapsed. On July 1, 2022, the community colleges, technical colleges and Washburn project grant account is hereby abolished.

(f) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2023, the following:

Affordable housing redevelopment $1,000,000

Provided, That expenditures from the affordable housing redevelopment account shall be used by the above agency for the purpose of the redevelopment of a hotel into affordable apartments for moderate-income individuals for a city in central Kansas with a population greater than 4,350 and less than 4,450 as of the 2020 census.

(g) 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:

White collar crime fund .....No limit

(h) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made from the private and independent college project grant account of the American rescue plan – state fiscal relief federal fund (252-00-3756) of the governor's department for fiscal year 2023 as authorized by section 28(f) of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, expenditures of $200,000 shall be made from such account for fiscal year 2023 for the Benedictine college engineering program: *Provided, however*, That such expenditures shall be

made only upon certification by the chief executive officer of Benedictine college 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 $1 of state moneys basis: *Provided further,* That such private money matches shall not be existing college funds and shall be new moneys.

(i) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 28(f) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the Pratt CC program grant account of the American rescue plan – state fiscal relief federal fund (252-00-3756) of the governor's department is hereby decreased from $788,445 to $778,445.

Sec. 11.

SECRETARY OF STATE

(a) During the fiscal year ending June 30, 2023, notwithstanding the provisions of chapter 61 of the 2021 Session Laws of Kansas, and amendments thereto, or 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 any special revenue fund or funds for fiscal year 2023 as authorized by section 32 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by such agency from such moneys for the above agency to continue to require an annual filing of the written business entity information report by the business entities required to file such report.

Sec. 12.

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, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

STAR bonds food sales tax revenue replacement fund ..... No limit
Distinctive license plate royalty fund ..... No limit

(b) Prior to June 30, 2023, the governing body of each city and county that has established a STAR bond project district as defined in K.S.A. 2021 Supp. 12-17,162, and amendments thereto, prior to December 31, 2022, in consultation with the secretary of revenue, shall certify to the director of accounts and reports the amount equal to the amount of sales tax revenue realized from sales within such district.

Sec. 13.

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, 2024, all

moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

STAR bonds food sales tax revenue replacement fund .....No limit

(b) On July 1, 2023, and January 1, 2024, the governing body of each such city or county shall certify to the director of accounts and reports an amount equal to the amount by which revenues realized from such sales taxes imposed in such STAR bond project district are reduced for the preceding six-month period due to legislative changes in the state sales tax for food and food ingredients. Prior to September 1, 2023, and March 1, 2024, the director of accounts and reports shall certify to the state treasurer each amount certified by the governing bodies of cities or counties under this subsection for the preceding six months and shall transfer from the state general fund to the STAR bonds food sales tax revenue replacement fund the aggregate of all amounts so certified. Prior to October 15, 2023, and April 15, 2024, the state treasurer shall pay from the STAR bonds food sales tax revenue replacement fund to the city bond fund in the amount certified to the director of accounts and reports for each city or county for the preceding six months.

Sec. 14.

INSURANCE DEPARTMENT

(a) On the effective date of this act, the pharmacy benefits manager registration fund (331-00-2665-2665) of the insurance department is hereby redesignated as the pharmacy benefits manager licensure fund of the insurance department.

Sec. 15.

HEALTH CARE STABILIZATION
FUND BOARD OF GOVERNORS

(a) Notwithstanding the provisions of K.S.A. 40-3401, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2023, 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 of the above agency for fiscal year 2023 as authorized by section 36 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2023 to deem a maternity center as a "healthcare provider" for the purposes of the healthcare provider insurance availability act, K.S.A. 40-3401 et seq., and amendments thereto, if such maternity center: (1) Has been granted accreditation by a national organization recognized by the board of governors and whose accreditation standards are approved by the board; or (2) is a maternity center as defined in K.S.A. 65-503, and amendments thereto.

Sec. 16.

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) $17,328,850

(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:

Specialty court resources fund.....No limit

Sec. 17.

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:

Debt service refunding – 2015A (173-00-1000-0463) $160,460,850

Provided, That expenditures from the debt service refunding – 2015A account shall be made by the above agency solely for the purposes of debt service payments and legally defeasing or cash redeeming the 2015A state of Kansas projects revenue bonds redeeming at their first optional redemption date of May 1, 2023.

National bio and agro-defense facility –
debt service (173-00-1000-0460) $171,765,300

Provided, That expenditures from the national bio and agro-defense facility – debt service account shall be made by the above agency solely for the purposes of debt service payments and legally defeasing or cash redeeming the 2015G national bio and agro-defense facility project revenue bonds redeeming at their first optional redemption date of April 1, 2023.

(b) On the effective date of this act, the director of accounts and reports shall transfer $250,000,000 from the state general fund to the budget stabilization fund (173-00-1600-1600): *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state general fund to the budget stabilization fund as prescribed by law.

Sec. 18.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Salary adjustments.....$150,000

Provided, That expenditures shall be made by the above agency from this account in fiscal year 2023 to increase by the amount of 5% the salaries

and wages, and associated fringe benefits, for office of facilities and property management custodial staff for buildings in the capitol complex.

(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:

Kansas suffragist memorial fund ..... No limit
Kansas gold star families memorial fund..... No limit

(c) On July 1, 2022, the director of accounts and reports shall transfer $10,000,000 from the state general fund to the health benefits administration clearing fund – remit admin service org (173-00-7746-7746) of the department of administration.

Sec. 19.

DEPARTMENT OF REVENUE

(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:

Kansas historic site fund ..... No limit
Gage park improvement authority sales tax fund ..... No limit

Sec. 20.

KANSAS LOTTERY

(a) On the effective date of this act, the aggregate of the amounts authorized by section 67(b) of chapter 98 of the 2021 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, 2022, is hereby increased from $69,590,000 to $70,740,000.

(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:

Sports wagering receipts fund ..... No limit
Privilege fee repayment fund..... No limit

Sec. 21.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $4,000,000 from

the state general fund to the job creation program fund created pursuant to K.S.A. 74-50,224, and amendments thereto: *Provided*, That the above agency, with the approval of the state finance council, shall expend such moneys for the purpose of preparing land for an economic development project in accordance with this subsection to fulfill the purposes of the attracting powerful economic expansion act established by House Substitute for Senate Bill No. 347: *Provided further*, That the state finance council acting on this matter 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: *Provided, however,* That if the state finance council does not approve an agreement with a qualified firm or qualified supplier pursuant to section 2 of House Substitute for Senate Bill No. 347, then, on June 30, 2022, the director of accounts and reports shall transfer $4,000,000 from the job creation program fund to the state general fund: *And provided further,* That, upon transferring such moneys to the state general fund, the director of accounts and reports shall certify to the director of the budget and the director of legislative research that such transfer has occurred.

Sec. 22.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Kansas semiquincentennial commission support.....$73,500

(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:

Kansas commission for the United States
semiquincentennial gifts and donations fund.....No limit
Attracting professional sports to Kansas fund.....No limit
Attracting powerful economic expansion payroll
incentive fund.....No limit
Attracting powerful economic expansion new
employee training and education fund.....No limit
Attracting powerful economic expansion Kansas
residency incentive fund.....No limit

(c) During the fiscal year ending June 30, 2023, the secretary of commerce shall certify to the director of accounts and reports if the state finance council has approved an agreement with a qualified firm or qualified supplier pursuant to section 2 of House Substitute for Senate Bill No. 347: *Provided*, That upon receipt of such certification, the director of accounts and reports shall transfer an aggregate amount of not more than

$19,000,000 from the job creation program fund created pursuant to K.S.A. 74-50,224, and amendments thereto, to the attracting powerful economic expansion payroll incentive fund, the attracting powerful economic expansion new employee training and education fund and the attracting powerful economic expansion Kansas residency incentive fund of the above agency: *Provided further*, That the secretary of commerce shall certify to the director of accounts and reports the appropriate amount to be transferred to each such special revenue fund to fulfill the purposes of the attracting powerful economic expansion act established by House Substitute for Senate Bill No. 347 and shall transmit a copy of such certification to the director of the budget and the director of legislative research.

Sec. 23.

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, 2023, the following:

Operating expenditures – Kansas
soldiers' home (694-00-1000-0403) $105,000
Operating expenditures – Kansas
veterans' home (694-00-1000-0503) $105,000

Sec. 24.

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, 2023, the following:

Specialty health care access programs (264-00-1000) $750,000

Provided, That of the amount appropriated for the specialty health care access programs account, $250,000 shall be distributed to each of the following programs: Project access of Wichita, health access of Shawnee county, and Wy Jo care of Wyandotte and Johnson counties.

Child abuse review and evaluation program.....$757,000

Provided, That expenditures shall be made from the child abuse review and evaluation program account to train healthcare providers to recognize signs of child abuse and reimburse reviews and examinations conducted by such trained healthcare providers: *Provided further,* That on or before January 9, 2023, the above agency shall submit a report to the house of representatives committee on appropriations and the senate committee on ways and means on services provided and the location of services provided by the program.

Any unencumbered balance in the cerebral palsy posture seating account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) During the fiscal year ending June 30, 2023, expenditures shall be made by the above agency from the infant and toddler program (264-00-1000-0570) account of the state general fund in the amount of $6,000,000 for the purposes of aid to local units and other assistance: *Provided, however,* That such moneys shall not be expended for administrative costs incurred by the above agency.

(c) 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:

HIV care formula grant federal fund (264-00-3328-3311).....No limit

Sec. 25.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF HEALTH CARE FINANCE

(a) On the effective date of this act, of the $759,750,000 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 80(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the other medical assistance account (264-00-1000-3026), the sum of $21,989,024 is hereby lapsed.

(b) During the fiscal year ending June 30, 2022, the above agency shall not expend any moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2022 by section 80 of chapter 98 of the 2021 Session Laws of Kansas, section 40 of chapter 116 of the 2021 Session Laws of Kansas, section 69 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature to impose any limitation on funding, including, but not limited to, a maximum amount that may be paid for services, for the prospective payment system established pursuant to K.S.A. 39-2019, and amendments thereto, under the medical assistance program for certified community behavioral health clinics other than limitations imposed by the United States centers for medicare and medicaid services.

Sec. 26.

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, 2023, the following:

Other medical assistance (264-00-1000-3026).....$34,249,128

(b) During the fiscal year ending June 30, 2023, the above agency shall not expend any moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023 by section 70 of 2022

House Substitute for Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature to impose any limitation on funding, including, but not limited to, a maximum amount that may be paid for services, for the prospective payment system established pursuant to K.S.A. 39-2019, and amendments thereto, under the medical assistance program for certified community behavioral health clinics other than limitations imposed by the United States centers for medicare and medicaid services.

(c) 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:

Ryan White title II – federal fund (264-00-3328-3310) .....No limit

Sec. 27.

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:

KanCare caseloads (039-00-1000-0610).....$16,000,000
Larned state hospital – operating
expenditures (410-00-1000-0103).....$5,500,000

Sec. 28.

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, 2023, the following:

KanCare caseloads (039-00-1000-0610).....$30,015,118
Non-KanCare caseloads (039-00-1000-0611).....$2,340,230
State operations (039-00-1000-0801) $3,190,000
988 suicide prevention and mental health crisis hotline.....$10,000,000

Provided however, That, on July 1, 2022, if House Substitute for Senate Bill No. 19, or other legislation that establishes a 988 suicide prevention and mental health crisis hotline fund and transfers moneys to such special revenue fund, has been passed by the legislature during the 2022 regular session and enacted into law, then, of the moneys appropriated in the 988 suicide prevention and mental health crisis hotline account, the sum of $10,000,000 is hereby lapsed.

Community services and programs (039-00-1000-0520).....$500,000

(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:

988 suicide prevention and mental health crisis hotline fund.....No limit

(c) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from the regional beds funding account (039-00-1000-3003) of the state general fund of the above agency for fiscal year 2023, as authorized by section 74(a) of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, subject to the provisions of this subsection, expenditures shall be made by the above agency from the regional beds funding account for fiscal year 2023, in an amount not to exceed $15,000,000, for the purpose of expanding regional mental health bed access in the Sedgwick county regional area: *Provided, however,* That such expenditures shall be subject to approval by the state finance council: *Provided further,* That the state finance council is hereby authorized to approve such expenditures: *And provided further,* That state finance council action on this matter 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 provided further,* That prior to any state finance council action, the interim legislative study committee on Sedgwick county regional area mental health bed expansion shall provide recommendations to the state finance council on or before October 1, 2022: *And provided further,* That the state finance council shall consider the recommendations from such interim study committee in determining whether to authorize expenditures for the purpose of expanding regional mental health bed access.

Sec. 29.

KANSAS DEPARTMENT FOR
CHILDREN AND FAMILIES

(a) On the effective date of this act, of the $220,433,685 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 87(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the youth services aid and assistance account (629-00-1000-7020), the sum of $6,600,000 is hereby lapsed.

Sec. 30.

KANSAS DEPARTMENT FOR
CHILDREN AND FAMILIES

(a) On the effective date of this act, of the $235,276,149 appropriated for the above agency for the fiscal year ending June 30, 2023, by section 76(a) of House Substitute for Substitute for Senate Bill No. 267 from the

state general fund in the youth services aid and assistance account (629-00-1000-7020), the sum of $5,350,000 is hereby lapsed.

(b) During the fiscal year ending June 30, 2023, 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 2023 as authorized by section 76 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency to collaborate with community partners and stakeholders to jointly develop a plan for implementation of a set of performance-based contracts to provide an array of evidence-based prevention and early intervention services for families who are at risk for an out-of-home placement or have a child in out-of-home care and for children who are awaiting adoption: *Provided,* That such plan shall describe the services that are required to be delivered under any such contract in order to assure that providers have the ability to provide adequate, appropriate and relevant evidence-based services to individual families, the outcome measures that will be used to evaluate the effectiveness of provider performance under such contracts, how families will be referred to contracted providers, including the protocols for continued communication or coordination between providers and the above agency in order to assure child safety and well-being and to promote such family's engagement and the optimum balance of shared responsibility for child protection and child welfare between the above agency and such providers, including a description of the core functions to be performed by each: *Provided further,* That in developing such plan, the above agency shall consider the capacity for regionwide delivery of an array of evidence-based prevention and early intervention services to children and families, paying particular attention to the willingness and ability of community and stakeholders to collaborate in the development of the implementation plan by January 31, 2023, and whether there are any existing and available multidisciplinary or multisystem work groups engaged in performance improvement or reform efforts: *And provided further,* That the above agency shall report to the governor, the house of representatives committee on children and seniors and the senate committee on public health and welfare by January 31, 2023, with a plan to begin implementation on July 1, 2023.

Sec. 31.

KANSAS DEPARTMENT FOR
CHILDREN AND FAMILIES

(a) During the fiscal year ending June 30, 2024, 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 2024 as authorized

by this or other appropriation act of the 2022 or 2023 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2024 to provide, not later than January 31, 2024, to the governor and the legislature a status update and recommendations for continued progress on the plan to implement performance-based contract criteria as described in section 29(b): *And provided further,* That the above agency shall submit a proposal to the legislature and the governor on or before January 31, 2024, for the reinvestment of savings from reduced foster care caseloads into evidence-based prevention and early intervention programs designed to prevent the need for or reduce the duration of out-of-home placements: *And provided further,* That such proposal shall include sufficient detail regarding accounting, budgeting and allocation of resources or other procedures for legislative consideration and approval.

Sec. 32.

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, 2023, the following:

Veterinary training program for
rural Kansas (368-00-1000-5013).....$250,000

Sec. 33.

UNIVERSITY OF KANSAS

(a) In addition to the other purposes for which expenditures may be made by the above agency from the geological survey account (682-00-100-0023) of the state general fund for fiscal year 2023, expenditures shall be made by the above agency from the geological survey account of the state general fund for fiscal year 2023 for seismic surveys in an amount not less than $100,000.

Sec. 34.

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, 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:

Cancer research and public
information trust (683-00-2925-2925) .....No limit

Sec. 35.

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, 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:

Digital transformation program fund.....$10,000,000

Provided, That all moneys in the digital transformation program fund expended for fiscal year 2023 shall be matched by nonstate moneys on a $1-to-$1 basis.

(b) 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 by section 103 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys to consult with the director of the budget who 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 digital transformation program, 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, 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 2023 to be used for such program, the director of the budget shall certify the amount of such federal coronavirus relief moneys from each fund to the director of accounts and reports and 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 $10,000,000 as available from such funds to the digital transformation program fund of Wichita state university for the purpose of providing such program: *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. 36.

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:

Postsecondary education operating grant (including official hospitality) (561-00-1000-0770).....$12,500,000
Computer science preservice educator grant $1,000,000

Provided, That expenditures shall be made by the above agency from the computer science preservice educator grant account for fiscal year 2023 to promote the advancement of computer science preservice teacher preparation in Kansas and to award scholarships to licensed and preservice teachers pursuant to the provisions of 2022 Substitute for House Bill No. 2466: *Provided further,* That, if 2022 Substitute for House Bill No. 2466 is not passed by the legislature during the 2022 regular session and enacted into law, then on July 1, 2022, the $1,000,000 appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, by this section in the computer science preservice educator grant account is hereby lapsed.

[†]

Sec. 37.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Community corrections (521-00-1000-0220).....$841,113
Treatment and programs –
offender programs (521-00-1000-0151).....$1,132,216
Facility operations (521-00-1000-0303) $850,000

(b) On July 1, 2022, of the $47,829,331 appropriated for the above agency for the fiscal year ending June 30, 2023, by section 112(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 from the state general fund in the operating expenditures account (521-00-1000-0603), the sum of $71,313 is hereby lapsed.

Sec. 38.

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).....$37,160

Sec. 39.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Operating expenditures (034-00-1000-0053).....$147,055

Sec. 40.

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, 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:

Elevator safety fee fund ..... No limit

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 116(a) of House Substitute for Substitute for Senate Bill No. 267 on the fire marshal fee fund (234-00-2330-2000) of the state fire marshal is hereby increased from $6,015,655 to $6,205,639.

Sec. 41.

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 $1,600,000 from the state highway fund (276-00-4100-4100) of the department of transportation to the aircraft fund – on budget (280-00-2368-2360) of the Kansas highway patrol: *Provided,* That the transfer of such amount shall be in addition to any other transfer from the state highway fund to the aircraft fund – on budget as prescribed by law: *Provided further,* That expenditures from the above transfer shall be made by the above agency to purchase two additional forward-looking infrared radars.

Sec. 42.

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, 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:

DUI-IID designation fund ..... No limit

(b) On July 1, 2022, the director of accounts and reports shall transfer all moneys in the DUI-IID designation fund (565-00-2380-2370) of the department of revenue to the DUI-IID designation fund of the above agency. On July 1, 2022, all liabilities of the DUI-IID designation fund of the department of revenue are hereby transferred to and imposed on the DUI-IID designation fund of the above agency and the DUI-IID designation fund of the department of revenue is hereby abolished.

Sec. 43.

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:

Forensic science laboratory early payment of bonds $41,487,988

Sec. 44.

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, 2023, the following:

Operating expenditures (083-00-1000-0083).....$85,371

(b) On July 1, 2022, the $4,322,800 appropriated for the above agency for the fiscal year ending June 30, 2023, by section 164(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 from the state general fund in the KBI – debt service account (083-00-1000-0820) is hereby lapsed.

Sec. 45.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Operating expenditures (626-00-1000-0303).....$74,628

Sec. 46.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Dairy industry expansion needs assessment.....$350,000

Sec. 47.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, for the capital improvement project or projects specified, the following:

Bison arena renovation.....$10,000,000
State fair facilities upgrades.....$4,450,000

Sec. 48.

DEPARTMENT OF TRANSPORTATION

(a) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 136(b) of House Substitute for Substitute for Senate Bill No. 267 on the agency operations account (276-00-4100-0403) of the state highway fund (276-00-4100-4100) of the department of transportation is hereby increased from $305,591,473 to $305,622,993.

Sec. 49.

STATE FINANCE COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

State employee pay increase.....$800,000

(b) On the effective date of this act, the provisions of section 140(h)(3)(E) of House Substitute for Substitute for Senate Bill No. 267 are hereby declared to be null and void and shall have no force and effect.

(c) Section 140(g) of House Substitute for Substitute for Senate Bill No. 267 shall not apply to employees of the office of administrative hearings and the Kansas sentencing commission who received an agency salary enhancement in fiscal year 2022, are anticipated to receive an agency salary enhancement in fiscal year 2023 or may receive such salary enhancements in both fiscal years.

(d) Section 140(h)(3)(F) of House Substitute for Substitute for Senate Bill No. 267 shall not apply to employees of the state fire marshal or state board of indigents' defense services.

Sec. 50. Notwithstanding the provisions of K.S.A. 46-2102, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2023, any state agency named in chapter 98 of the 2021 Session Laws of Kansas, 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 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 to advise and consult with the joint committee on information technology prior to releasing any request for proposal for an information technology project, as defined in K.S.A. 75-7201, and amendments thereto.

Sec. 51. K.S.A. 2021 Supp. 76-1959 is hereby amended to read as follows: 76-1959. (a) *(1) Except as provided in paragraph (2),* for the purpose of financing a capital improvement project relating to construction of a state veterans home facility located in northeast Kansas, including, but not limited to, Douglas, Jefferson, Leavenworth, Shawnee and Wyandotte counties, the Kansas development finance authority is hereby authorized to issue one or more series of revenue bonds pursuant to the Kansas development finance authority act, K.S.A. 74-8901 et seq., and amendments thereto, in a total amount not to exceed $10,500,000, plus all amounts required for costs of bond issuance, costs of insurance or credit enhancement, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds.

(2) During state fiscal years 2022 and 2023, the Kansas development finance authority is hereby authorized to issue one or more series of revenue bonds pursuant to the Kansas development finance authority act, K.S.A. 74-8901 et seq., and amendments thereto, in a total amount not to exceed $17,200,000, plus all amounts required for costs of bond issuance, costs of insurance or credit enhancement, costs of interest on the bonds

issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds.

(b) The proceeds from the sale of any bonds, other than refunding bonds, issued pursuant to this section, after payment of any costs related to the issuance of such bonds, shall be paid by the Kansas development finance authority to the department of administration to be applied to the payment of costs of the capital improvement project authorized pursuant to this section as requested by the secretary of administration and by resolution of the Kansas development finance authority and shall constitute the state's required 35% match for the United States department of veterans affairs state veterans home construction grant program under 38 U.S.C. §§ 8131 through 8138, as in effect on July 1, 2021.

(c) On and after July 1, 2021, prior to the issuance of any bonds pursuant to this section, the capital improvement project described in subsection (a) 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 shall be approved by the Kansas development finance authority in accordance with K.S.A. 74-8901 et seq., amendments thereto, 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.

(d) The department of administration shall only make expenditures from the moneys received from the issuance of any bonds pursuant to this section for those purposes set forth in subsection (a) for such capital improvement project.

(e) The debt service for any such bonds issued pursuant to this section shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds.

(f) The date of maturity on bonds issued pursuant to this section shall not be fixed for a period of time that exceeds 20 years from the date of issuance.

(g) The state hereby pledges and covenants with the holders of any bonds issued pursuant to the provisions of this section, that the state will not limit or alter the rights or powers vested in the Kansas development finance authority by this section, nor limit or alter the rights or powers of the authority, or the department of administration, in any matter that would jeopardize the interest of the holders, or any trustee of such holders, or inhibit or prevent performance or fulfillment by the Kansas development finance authority or the department of administration with respect to the terms of any agreement made with the holders of the bonds

or agreements made pursuant to this section, except that the failure of the legislature to appropriate moneys for debt service on any bonds issued pursuant to this section shall not be deemed a violation of this pledge and covenant. The department of administration is hereby specifically authorized to include this pledge and covenant in any agreement with the Kansas development finance authority. The Kansas development finance authority is hereby specifically authorized to include this pledge and covenant in any bond resolution, trust indenture or agreement for the benefit of the holders of the bonds.

(h) Neither the state nor the department of administration shall have the power to pledge the full faith and credit or taxing power of the state for debt service on any bonds issued pursuant to this section, and any payment by the department of administration for such purpose shall be subject to and dependent on appropriations by the legislature. Any obligation of the state or the department of administration for payment of debt service on bonds issued pursuant to this section shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

(i) Subject to the provisions of appropriation acts, the secretary of administration shall enter into pledge agreements with the Kansas development finance authority to pledge moneys for the payment of bonds issued pursuant to this section, which pledge shall be subject to the appropriation of moneys therefor.

Sec. 52. *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. 53. *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. 54. 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. 55. K.S.A. 2021 Supp. 76-1959 is hereby repealed.

Sec. 56. This act shall take effect and be in force from and after its publication in the Kansas Register.

Approved May 16, 2022.

Published in the *Kansas Register* June 2, 2022.

† A portion of section 36 was line-item vetoed.

(See Messages from the Governor)

CHAPTER 98

HOUSE BILL No. 2136
(Amends Chapter 63)

AN ACT concerning taxation; relating to property tax; 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 sales and compensating use tax; increasing thresholds for timing of returns and payments; discontinuing the first 15 days of the month remittance requirements for certain retailers; providing countywide retailers' sales tax authority for Atchison county; delaying implementation of exclusion of separately stated delivery charges from sales or selling price; amending K.S.A. 79-3607 and K.S.A. 2021 Supp. 12-187, as amended by section 28 of 2021 House Bill No. 2239, 12-189, as amended by section 29 of 2021 House Bill No. 2239, 12-192, as amended by section 30 of 2021 House Bill No. 2239, and 79-3602, as amended by section 44 of 2021 House Bill No. 2239, and repealing the existing sections; also repealing K.S.A. 79-3607, as amended by section 3 of chapter 83 of the 2021 Session Laws of Kansas.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. The provisions of sections 1 through 13, and amendments thereto, shall be known and may be cited as the COVID-19 retail storefront property tax relief act. The purpose of this act shall be to provide refunds to certain businesses impacted by COVID-19 related shutdowns and restrictions during tax years 2020 and 2021 based on a portion of property taxes accrued on retail storefront property.

New Sec. 2. As used in this act:

(a) "Act" means the COVID-19 retail storefront property tax relief act.

(b) (1) "Claimant" means a for-profit business, regardless of legal structure, who has filed a claim under the provisions of this act and who:

(A) Conducts a majority of its retail sales through customers' physical, on-site presence at a retail storefront property;

(B) was in operation on or prior to July 1, 2019, and filed a 2019 tax return;

(C) had at least $10,000 in annual revenues, including gross sales and receipts, in 2019;

(D) received less gross revenue in 2020 or 2021, as applicable, compared to 2019;

(E) was in active operations as of March 1, 2020; and

(F) has not received more than a total of $150,000 in prior COVID-19-related local, state or federal funding or any combination thereof.

(2) "Claimant" shall not include:

(A) Grocery stores and pharmacies;

(B) hardware stores and home improvement businesses;

(C) retail liquor stores;

(D) manufacturers and food processors;

(E) schools, such as pre-kindergarten, kindergarten through grade 12, post-secondary, higher education, technical education and training;

(F) hospitals and healthcare providers, including, but not limited to, physicians, surgeons, psychologists and psychoanalysts, but not including personal services providers such as massage therapists and chiropractors;

(G) property management and real estate services, including owners or operators of short-term rental properties;

(H) professional services, including, but not limited to, accounting, insurance, legal, financial services and firms, information technology, engineering and architecture;

(I) agriculture and aquaculture producers, including farms, ranches and fisheries, but not including their retail storefronts used to conduct retail sales to customers;

(J) hosts or operators of a vacation or short-term rental unit;

(K) passive businesses, investment companies and investors who file a schedule E on their individual tax returns;

(L) financial businesses primarily engaged in the business of lending, such as banks, finance companies and factoring companies;

(M) cable companies, telephone companies, utilities and other similar businesses; and

(N) energy production, generation and distribution companies.

(3) When a retail storefront is occupied by two or more businesses and more than one of the businesses is able to qualify as a claimant, the businesses may determine between them as to whom 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.

(c) "Gross rent" means the rental paid at arm's length solely for the right of occupancy of a retail storefront paid to a landlord, as expressly set out in the rental agreement, exclusive of charges for any utilities, services, furniture and furnishings or personal property appliances furnished by the landlord as a part of the rental agreement, whether or not expressly set out in the rental agreement. Whenever the director of taxation finds that the landlord and tenant have not dealt with each other at arm's length and that the gross rent charge was excessive, the director may adjust the gross rent to a reasonable amount for the purpose of the claim.

(d) "Property taxes accrued" means property taxes, exclusive of special assessments, delinquent interest and charges for service, levied on a claimant's retail storefront in 2020 or 2021, as applicable, by the state of Kansas and the political and taxing subdivisions of the state. When a retail storefront 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 part of claimant's business, "property taxes accrued" is that part of property taxes levied on the retail storefront that reflects the ownership percent-

age of the claimant's business. 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 owns its retail storefront part of a calendar year, "property taxes accrued" means only taxes levied on the retail storefront when both owned and occupied as a retail storefront by the claimant's business at the time of the levy, multiplied by the percentage of 12 months that the property was owned and occupied by the business as its retail storefront in the year. When a business owns and occupies two or more different retail storefronts in the same calendar year, property taxes accrued shall be the sum of the taxes allocable to those several properties while occupied by the business as its retail storefront during the year. Whenever a retail storefront is an integral part of a larger unit such as a multi-purpose or multi-retail storefront building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the retail storefront is of the total 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 retail storefront is a part.

(e) "Rent constituting property taxes accrued" means 15% of the gross rent actually paid in cash or its equivalent in 2020 or 2021, as applicable, by a claimant solely for the right of occupancy of a retail storefront on which ad valorem property taxes were levied in full for that year. When a claimant occupies two or more different retail storefronts in the same calendar year, rent constituting property taxes accrued shall be computed by adding the rent constituting property taxes accrued for each property rented by the claimant while occupied by the claimant as its retail storefront during the year.

(f) "Retail storefront" means the real property in this state, whether owned or rented, that is occupied by the claimant's business and where the claimant conducts retail sales through customers' physical, on-site presence. "Retail storefront" may consist of a part of a multi-purpose or multi-retail storefront building. "Owned" includes a vendee in possession under a land contract, a life tenant, a beneficiary under a trust and one or more joint tenants or tenants in common.

New Sec. 3. (a) For tax years 2020 and 2021, a claimant shall be eligible for a claim for refund under this act if the claimant's eligible business operated at the retail storefront was operationally shut down or restricted by a COVID-19-related order or action imposed by the state, a local unit of government or a local health officer, including, but not limited to, by an executive order issued by the governor pursuant to K.S.A. 48-925, and amendments thereto, or any action taken by a local unit of government related to a state of disaster emergency declared 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.

(b) The amount of refund under this act shall be equal to 33% of the COVID-19 qualifying sum. The COVID-19 qualifying sum shall be the sum of the COVID-19 ordered shutdown days gross rebate amount calculated pursuant to subsection (c) and the COVID-19 ordered restricted operations days gross rebate amount calculated pursuant to subsection (d).

(c) The COVID-19 ordered shutdown days gross rebate amount shall be the amount of the claimant's property taxes accrued or rent constituting property taxes accrued for the tax year divided by the applicable factor set forth in the following schedule:

Number of ordered shutdown days	Divide property taxes accrued or rent constituting property taxes accrued by:
91 or more	3
61 to 90	4
31 to 60	6
1 to 30	12

(d) The COVID-19 ordered restricted operations days gross rebate amount shall be the amount of the claimant's property taxes accrued or rent constituting property taxes accrued for the tax year divided by the applicable factor set forth in the following schedule:

Number of ordered restricted operations day	Divide property taxes accrued or rent constituting property taxes accrued by:
211 or more	2
181 to 210	2.289
151 to 180	2.667
121 to 150	3.2
91 to 120	4
61 to 90	5.333
31 to 60	8
1 to 30	16

(e) For purposes of subsections (c) and (d), an eligible calendar day may be counted only once as either an ordered shutdown day or an ordered restricted operations day.

(f) A claimant with a qualifying business at a retail storefront that ceased operations after March 1, 2020, and before January 1, 2021, is eligible for a rebate only for tax year 2020.

(g) The maximum amount of a refund that may be claimed by a claimant in any single tax year pursuant to this act shall be $5,000 per retail storefront.

New Sec. 4. A claimant may claim property tax relief under this act with respect to property taxes accrued or rent constituting 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 section 9, and amendments thereto, to the claimant from the American rescue plan-state fiscal relief-federal fund. Such payment shall be made upon warrants of the director of accounts and reports pursuant to vouchers approved by the director of taxation, 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. 5. Only one claimant per retail storefront per year shall be entitled to relief under this act.

New Sec. 6. For tax years 2020 and 2021, no claim 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, 2023, except that 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. 7. (a) In administering this act, the director of taxation shall make available suitable forms with instructions for claimants.

(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. 8. (a) Every claimant under this act shall provide to the director of taxation, in support of a claim, reasonable proof of eligibility for the refund.

(b) Every claimant who is a retail storefront owner, or whose claim is based wholly or partly upon retail storefront 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 retail storefront 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 retail storefront.

(c) Every claimant who is a retail storefront renter, or whose claim is based wholly or partly upon retail storefront rental at some time during the calendar year, shall supply to the division, in support of a claim, a statement prescribed by the director certifying the amount of gross rent paid and that ad valorem property taxes were levied in full for that year on the property, all or a part of which was rented by the claimant.

(d) The information required to be furnished under subsection (b) or (c) shall be in addition to that required under subsection (a).

New Sec. 9. (a) 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 in the year that the claim relates.

(b) If there are delinquent property taxes for tax year 2020 or 2021 on a retail storefront owned by the claimant, the refund shall be paid to the county treasurer of the county in which such retail storefront is located and applied to such delinquent property taxes.

New Sec. 10. If there are delinquent property taxes for a tax year commencing prior to January 1, 2020, on a retail storefront owned by the claimant, the claimant shall not be eligible for the refund pursuant to this act for such retail storefront.

New Sec. 11. 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. 12. A claim shall be disallowed if the director of taxation finds that the claimant received title to such claimant's retail storefront primarily for the purpose of receiving benefits under this act.

New Sec. 13. To the extent applicable, the provisions of K.S.A. 79-3226, and amendments thereto, shall apply to claims for refunds allowable pursuant to this act that may become in dispute.

Sec. 14. K.S.A. 2021 Supp. 12-187, as amended by section 28 of 2021 House Bill No. 2239, 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 $^{2}/_{3}$ 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 $^{2}/_{3}$ 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.

(I) The result of the election held on November 3, 2020, on the question submitted by the board of county commissioners of Cherokee county for the purpose of increasing its retailers' sales tax by 0.5% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing: (i) Ambulance services within the county; (ii) renovations and maintenance of county buildings and facilities; or (iii) any other projects within the county deemed necessary by the governing body of Cherokee county. The tax imposed pursuant to this subparagraph shall terminate prior to January 1, 2033.

(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 en-

forcement 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.

(33) The board of county commissioners of Wilson 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 supporting emergency medical and ambulance services in the county 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 paragraph may be extended or reenacted for additional periods not exceeding 10 years per period upon the board of county commissioners of Wilson county submitting such question to the electors at an election called and held thereon for each additional period as provided by law. This paragraph shall not be construed to cause the expiration, repeal or termination of any existing city retailers' sales tax for health care services as defined in paragraph (5).

(34) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received for the purpose of joint law enforcement communications and solid waste disposal in Atchison county 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.

(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 ⅔ 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 ⅔ 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) Notwithstanding any provision of law to the contrary, including subsection (b)(5), 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) (1) 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.

(2) In addition to the requirements set forth in paragraph (1), the governing body of the county proposing to levy a countywide retailers' sales tax shall include as a part of the ballot proposition whether:

(A) The apportionment formula provided in K.S.A. 12-192, and amendments thereto, will apply to the revenue;

(B) an interlocal agreement was entered whereby the county will retain either all or part of the revenue; or

(C) pursuant to law, the county retains the revenue in its entirety.

Sec. 15. K.S.A. 2021 Supp. 12-189, as amended by section 29 of 2021 House Bill No. 2239, is hereby amended to read as follows: 12-189. The rate of any city retailers' sales tax shall be fixed in increments of 0.05% and in an amount not to exceed 2% for general purposes and not to exceed 1% for special purposes, which shall be determined by the governing body of the city. For any retailers' sales tax imposed by a city for special purposes, such city shall specify the purposes for which such tax is imposed. All such special purpose retailers' sales taxes imposed by a city shall expire after 10 years from the date such tax is first collected. The rate of any countywide retailers' sales tax shall be fixed in an amount not to exceed 1% and shall be fixed in increments of 0.25%, and which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Wabaunsee county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage or Reno county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward or Wyandotte county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.5%; the board of county commissioners of Atchison or Thomas county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.5% or 1.75%; the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 2%; the board of county commissioners of Marion county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 2.5%; the board of county commissioners of Franklin, Linn and Miami counties, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the respective board of county commissioners on July 1, 2007, plus up to 1.0%; and the board of county commissioners of Brown county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at up to 2%;

(b) the board of county commissioners of Jackson county, for the purposes of K.S.A. 12-187(b)(3), and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of K.S.A. 12-187(b)(4), and amendments thereto, may fix such rate at 0.25%;

(d) the board of county commissioners of any county, for the purposes of K.S.A. 12-187(b)(5), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus 0.25%, 0.5%, 0.75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

(f) the board of county commissioners of Sherman county, for the purposes of K.S.A. 12-187(b)(8), and amendments thereto, may fix such rate at 2.25%;

(g) the board of county commissioners of Crawford or Russell county for the purposes of K.S.A. 12-187(b)(9), and amendments thereto, may fix such rate at 1.5%;

(h) the board of county commissioners of Franklin county, for the purposes of K.S.A. 12-187(b)(10), and amendments thereto, may fix such rate at 1.75%;

(i) the board of county commissioners of Douglas county, for the purposes of K.S.A. 12-187(b)(11) and (b)(30), and amendments thereto, may fix such rate at 1.75%;

(j) the board of county commissioners of Jackson county, for the purposes of K.S.A. 12-187(b)(13), and amendments thereto, may fix such rate at 1.4%;

(k) the board of county commissioners of Sedgwick county, for the purposes of K.S.A. 12-187(b)(3)(C), and amendments thereto, may fix such rate at 2%;

(l) the board of county commissioners of Neosho county, for the purposes of K.S.A. 12-187(b)(14), and amendments thereto, may fix such rate at 1.0% or 1.5%;

(m) the board of county commissioners of Saline county, for the purposes of K.S.A. 12-187(b)(15), and amendments thereto, may fix such rate at up to 1.5%;

(n) the board of county commissioners of Harvey county, for the purposes of K.S.A. 12-187(b)(16), and amendments thereto, may fix such rate at 2.0%;

(o) the board of county commissioners of Atchison county, for the purpose of K.S.A. 12-187(b)(17), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Atchison county on the effective date of this act plus 0.25%;

(p) the board of county commissioners of Wabaunsee county, for the

purpose of K.S.A. 12-187(b)(18), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Wabaunsee county on July 1, 2007, plus 0.5%;

(q) the board of county commissioners of Jefferson county, for the purpose of K.S.A. 12-187(b)(19) and (25), and amendments thereto, may fix such rate at 2.25%;

(r) the board of county commissioners of Riley county, for the purpose of K.S.A. 12-187(b)(20), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Riley county on July 1, 2007, plus up to 1%;

(s) the board of county commissioners of Johnson county, for the purposes of K.S.A. 12-187(b)(21), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Johnson county on July 1, 2007, plus 0.25%;

(t) the board of county commissioners of Wilson county, for the purposes of K.S.A. 12-187(b)(22), and amendments thereto, may fix such rate at up to 2%;

(u) the board of county commissioners of Butler county, for the purposes of K.S.A. 12-187(b)(23), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75% or 1%;

(v) the board of county commissioners of Barton county, for the purposes of K.S.A. 12-187(b)(24), and amendments thereto, may fix such rate at up to 1.5%;

(w) the board of county commissioners of Lyon county, for the purposes of K.S.A. 12-187(b)(3)(D), and amendments thereto, may fix such rate at 1.5%;

(x) the board of county commissioners of Rawlins county, for the purposes of K.S.A. 12-187(b)(3)(E), and amendments thereto, may fix such rate at 1.75%;

(y) the board of county commissioners of Chautauqua county, for the purposes of K.S.A. 12-187(b)(3)(F), and amendments thereto, may fix such rate at 2.0%;

(z) the board of county commissioners of Pottawatomie county, for the purposes of K.S.A. 12-187(b)(26), and amendments thereto, may fix such rate at up to 1.5%;

(aa) the board of county commissioners of Kingman county, for the purposes of K.S.A. 12-187(b)(27), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75%, or 1%;

(bb) the board of county commissioners of Edwards county, for the purposes of K.S.A. 12-187(b)(28), and amendments thereto, may fix such rate at 1.375%;

(cc) the board of county commissioners of Rooks county, for the purposes of K.S.A. 12-187(b)(29), and amendments thereto, may fix such rate at up to 1.5%;

(dd) the board of county commissioners of Bourbon county, for the purposes of K.S.A. 12-187(b)(3)(G) and (b)(31), and amendments thereto, may fix such rate at up to 2.0%;

(ee) the board of county commissioners of Marion county, for the purposes of K.S.A. 12-187(b)(32), and amendments thereto, may fix such rate at 2.5%;

(ff) the board of county commissioners of Finney county, for the purposes of K.S.A. 12-187(b)(3)(H), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.3%;

(gg) the board of county commissioners of Cherokee county, for the purposes of K.S.A. 12-187(b)(3)(I), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.5%; ~~and~~

(hh) the board of county commissioners of Wilson county, for the purposes of K.S.A. 12-187(b)(33), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75% or 1%*; and*

(ii) the board of county commissioners of Atchison county, for the purposes of K.S.A. 12-187(b)(34), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus up to 1%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause

such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. The director of taxation shall confirm that all provisions of law applicable to the authorization of local sales tax have been followed prior to causing the collection. If the director of taxation discovers that a city or county did not comply with any provision of law applicable to the authorization of a local sales tax after collection has commenced, the director shall immediately notify the city or county and cease collection of such sales tax until such noncompliance is remedied. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury, except that all moneys collected by the director of taxation pursuant to the authority granted in K.S.A. 12-187(b)(22), and amendments thereto, shall be credited to the Wilson county capital improvements fund. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

Revenue that is received from the imposition of a local retailers' sales tax that exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer or finance officer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number. Such report shall be made available to the clerk or treasurer or finance officer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any

officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class A misdemeanor, and such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute violations of this paragraph.

Sec. 16. K.S.A. 2021 Supp. 12-192, as amended by section 30 of 2021 House Bill No. 2239, is hereby amended to read as follows: 12-192. (a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by the director of taxation from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner:

(1) ½ of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year; and

(2) ½ of all revenue received by the director of taxation from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county.

All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

(b) (1) In lieu of the apportionment formula provided in subsection (a), all revenue received by the director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of 0.75%, 1% or 1.25% after July 1, 2007, shall be apportioned among the county and each city located in such county in the following manner:

(A) The revenue received from the first 0.5% rate of tax shall be apportioned in the manner prescribed by subsection (a); and

(B) the revenue received from the rate of tax exceeding 0.5% shall be apportioned as follows:

(i) ¼ shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year;

(ii) 1/4 shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county; and

(iii) 1/2 shall be retained by the county for its sole use and benefit.

(2) In lieu of the apportionment formula provided in subsection (a), all money received by the director of taxation from a countywide sales tax imposed within Montgomery county pursuant to the election held on November 8, 1994, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged. All revenue apportioned and paid from the imposition of such tax to the treasurer of any city prior to the effective date of this act shall be remitted to the county treasurer and expended only for the purpose for which the revenue received from the tax was pledged.

(3) In lieu of the apportionment formula provided in subsection (a), on and after the effective date of this act, all moneys received by the director of taxation from a countywide retailers' sales tax imposed within Phillips county pursuant to the election held on September 20, 2005, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(c) (1) Except as otherwise provided by paragraph (2) of this subsection, for purposes of subsections (a) and (b), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(2) For the purposes of subsections (a) and (b), any ad valorem property tax levied on property located in a city in Johnson county for the purpose of providing fire protection service in such city shall be included within the term "total tangible property tax levies" for such city regardless of its applicability to all tangible property located within each such city. If the tax is levied by a district which extends across city boundaries, for purposes of this computation, the amount of such levy shall be apportioned among each city in which such district extends in the proportion that such tax levied within each city bears to the total tax levied by the district.

(d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to K.S.A. 12-187(b)(2), (3)(C), (3)(F), (3)(G), (3)(I), (6), (7), (8), (9), (12), (14), (15), (16), (17), (18), (19), (20), (22), (23), (25), (27), (28), (29), (30), (31), (32)~~ and~~, (33) *and (34)*, and amend-

ments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(2) Except as otherwise provided in K.S.A. 12-187(b)(5), and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to K.S.A. 12-187(b)(5), and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(3) All revenue received from a countywide retailers' sales tax imposed pursuant to K.S.A. 12-187(b)(26), and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged unless the question of imposing a countywide retailers' sales tax authorized by K.S.A. 12-187(b)(26), and amendments thereto, includes the apportionment of revenue prescribed in subsection (a).

(e) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax, as an alternative to depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax.

(f) Prior to March 1 of each year, the secretary of revenue shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

(g) Prior to December 31 of each year, the clerk of every county imposing a countywide retailers' sales tax shall provide such information deemed necessary by the secretary of revenue to apportion and remit revenue to the counties and cities pursuant to this section.

(h) The provisions of subsections (a) and (b) for the apportionment of countywide retailers' sales tax shall not apply to any revenues received pursuant to a county or countywide retailers' sales tax levied or collected under K.S.A. 74-8929, and amendments thereto. All such revenue collected under K.S.A. 74-8929, and amendments thereto, shall be deposited into the redevelopment bond fund established by K.S.A. 74-8927, and amendments thereto, for the period of time set forth in K.S.A. 74-8927, and amendments thereto.

Sec. 17. K.S.A. 2021 Supp. 79-3602, as amended by section 44 of 2021 House Bill No. 2239, 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) "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) "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) "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) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(h) "Delivered electronically" means delivered to the purchaser by means other than tangible storage media.

(i) "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.

(j) "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) "Director" means the state director of taxation.

(l) "Educational institution" means any nonprofit school, college and university that offers education at a level above the 12th 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) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(n) "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) "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) "Ingredient or component part" means tangible personal property that is necessary or essential to, and that 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 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 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.

(q) "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 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 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.

(r) "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 or 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.

(s) "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.

(t) "Member state" means a state that has entered in the agreement, pursuant to provisions of article VIII of the agreement.

(u) "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.

(v) "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.

(w) "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.

(x) "Municipal corporation" means any city incorporated under the laws of Kansas.

(y) "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.

(z) "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 subdi-

vision of the state of Kansas engaging in a business or providing a service specifically taxable under the provisions of this act.

(aa) "Political subdivision" means any municipality, agency or subdivision of the state that is, or shall hereafter be, authorized to levy taxes upon tangible property within the state or that certifies a levy to a municipality, agency or subdivision of the state that 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) "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.

(cc) "Prewritten computer software" means computer software, including prewritten upgrades, that 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) "Property which is consumed" means tangible personal property that is essential or necessary to and that 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, that qualifies as property that 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) "Purchase price" applies to the measure subject to use tax and has the same meaning as sales price.

(ff) "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished.

(gg) "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) "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) "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) "Retail sale" or "sale at retail" means any sale, lease or rental for any purpose other than for resale, sublease or subrent.

(kk) "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) (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) *(i) prior to July 1, 2023, delivery charges; and*

(ii) on and after July 1, 2023, delivery charges that are not separately stated on the invoice, bill of sale or similar document given to the purchaser; 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;

(E) 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; and

(F) *commencing on July 1, 2023,* delivery charges that are separately stated on the invoice, bill of sale or similar document given to the purchaser.

(mm) "Seller" means a person making sales, leases or rentals of personal property or services.

(nn) "Service" means those services described in and taxed under the provisions of K.S.A. 79-3603, and amendments thereto.

(oo) "Sourcing rules" means the rules set forth in K.S.A. 79-3670 through 79-3673, K.S.A. 12-191 and 12-191a, and amendments thereto, that 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) "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) "Taxpayer" means any person obligated to account to the director for taxes collected under the terms of this act.

(rr) "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.

(yy) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, that offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.

(zz) "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) "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.

(ccc) "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.

(hhh) "Cereal malt beverage" shall have the same meaning as such term is defined in K.S.A. 41-2701, and amendments thereto, except that for the purposes of the Kansas retailers sales tax act and for no other purpose, such term shall include beer containing not more than 6% alcohol by volume when such beer is sold by a retailer licensed under the Kansas cereal malt beverage act.

(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.

Sec. 18. 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 re-

quired by this act for any period not to exceed 60 days under such rules and regulations as the secretary of revenue may prescribe.

(b)(1) When the total tax for which any retailer is liable under this act, does not exceed the sum of $400 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 in any calendar year, the retailer shall file returns quarterly on or before the 25th day of the month following the end of each calendar quarter. When the total tax liability exceeds $4,000 in any calendar year, the retailer shall file a return for each month on or before the 25th 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 25th 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 25th 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 25th 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.~~ *The provisions of this paragraph shall expire on December 31, 2023.*

(2) On and after January 1, 2024, the retailer shall file:

(A) An annual return on or before January 25 of the following year when the total tax for which any retailer is liable under this act does not exceed the sum of $1,000 in any calendar year;

(B) returns quarterly on or before the 25th day of the month following the end of each calendar quarter when the total tax liability does not exceed $5,000 in any calendar year; or

(C) a return for each month on or before the 25th day of the following month when the total tax liability exceeds $5,000 in any calendar year.

(3) 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)~~*(c)* 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)~~ *(c)(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.

Sec. 19. K.S.A. 79-3607 and 79-3607, as amended by section 3 of chapter 83 of the 2021 Session Laws of Kansas, and K.S.A. 2021 Supp. 12-187, as amended by section 28 of 2021 House Bill No. 2239, 12-189, as amended by section 29 of 2021 House Bill No. 2239, 12-192, as amended by section 30 of 2021 House Bill No. 2239, and 79-3602, as amended by section 44 of 2021 House Bill No. 2239, are hereby repealed.

Sec. 20. This act shall take effect and be in force from and after its publication in the statute book.

Approved June 2, 2022.

CHAPTER 99

HOUSE BILL No. 2540

AN ACT concerning controlled substances; relating to substances included in schedules I, II, IV and V of the uniform controlled substances act; amending the definition of controlled substances in the Kansas criminal code; excluding certain drug products from the definition of marijuana; amending K.S.A. 65-4107, 65-4111 and 65-4113 and K.S.A. 2021 Supp. 21-5701, 65-4101 and 65-4105 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2021 Supp. 21-5701 is hereby amended to read as follows: 21-5701. As used in K.S.A. 2021 Supp. 21-5701 through 21-5717, and amendments thereto:

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

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

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

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

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

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

(A) A controlled substance;

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

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

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

(d) "Distribute" means the actual, constructive or attempted transfer from one person to another of some item whether or not there is an agency relationship. "Distribute" includes, but is not limited to, sale, offer for

sale or any act that causes some item to be transferred from one person to another. "Distribute" does not include acts of administering, dispensing or prescribing a controlled substance as authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act or otherwise authorized by law.

(e) *(1)* "Drug" means:

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

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

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

~~(4)~~*(D)* substances intended for use as a component of any article specified in ~~paragraph (1), (2) or (3)~~ *subparagraph (A), (B) or (C).*

~~It~~*(2) "Drug"* does not include devices or their components, parts or accessories.

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

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

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

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

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

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

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

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

(8) blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;

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

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

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

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

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

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

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

(D) smoking and carburetion masks;

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

(F) miniature cocaine spoons and cocaine vials;

(G) chamber smoking pipes;

(H) carburetor smoking pipes;

(I) electric smoking pipes;

(J) air-driven smoking pipes;

(K) chillums;

(L) bongs;

(M) ice pipes or chillers;

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

(O) wired cigarette papers; or

(P) cocaine freebase kits.

"Drug paraphernalia" shall not include any products, chemicals or materials described in K.S.A. 2021 Supp. 21-5709(a), and amendments thereto.

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

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

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

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

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

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

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

(j) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. "Marijuana" does not include:

(1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant that is incapable of germination;

(2) any substance listed in schedules II through V of the uniform controlled substances act;

(3) *drug products approved by the United States food and drug administration as of the effective date of this act;*

(4) cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); or

~~(4)~~*(5)* industrial hemp as defined in K.S.A. 2021 Supp. 2-3901, and amendments thereto, when cultivated, produced, possessed or used for activities authorized by the commercial industrial hemp act.

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

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

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

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

(3) opium poppy and poppy straw;

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

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

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

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

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

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

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

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

Sec. 2. K.S.A. 2021 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner; or

(2) the patient or research subject at the direction and in the presence of the practitioner.

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

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

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

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

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

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

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

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

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

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

(A) A controlled substance;

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

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

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

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

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

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

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

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

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

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

(p) *(1)* "Drug" means:

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

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

~~(3)~~*(C)* substances (other than food) intended to affect the structure or any function of the body of human or animals; and

~~(4)~~*(D)* substances intended for use as a component of any article specified in ~~paragraph (1), (2) or (3)~~ *subparagraph (A), (B) or (C)*.

~~It~~*(2) "Drug"* does not include devices or their components, parts or accessories.

(q) "Immediate precursor" means a substance that the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and that is an immediate chemical intermediary used or likely to be used in the man-

ufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

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

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

(t) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions 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.

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

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

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

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

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

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

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

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

(aa) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include:

(1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant that is incapable of germination;

(2) any substance listed in schedules II through V of the uniform controlled substances act;

(3) *drug products approved by the United States food and drug administration as of the effective date of this act;*

(4) cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); or

~~(4)~~*(5)* industrial hemp as defined in K.S.A. 2021 Supp. 2-3901, and amendments thereto, when cultivated, produced, possessed or used for activities authorized by the commercial industrial hemp act.

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

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

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

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

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

(3) opium poppy and poppy straw;

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

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

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

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

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

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

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

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

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

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

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

(oo) "Readily retrievable" means that records kept by automatic data

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

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

Sec. 3. K.S.A. 2021 Supp. 65-4105 is hereby amended to read as follows: 65-4105. (a) The controlled substances listed in this section are included in schedule I and the number set forth opposite each drug or substance is the DEA controlled substances code that has been assigned to it.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide).....9821
(2) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide).....9815
(3) Acetylmethadol.....9601
(4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide;acryloylfentanyl).....9811
(5) AH-7921 (3,4-dichloro-N-[(1-dimethylamino) cyclohexylmethyl]benzamide).....9551
(6) Allylprodine.....9602
(7) Alphacetylmethadol.....9603
(except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM)
(8) Alphameprodine.....9604
(9) Alphamethadol.....9605
(10) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine).....9814
(11) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl-4-piperidinyl]-N-phenylpropanamide).....9832
(12) Benzethidine.....9606
(13) Betacetylmethadol.....9607
(14) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide).....9830

(15) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide).....9831
(16) Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide).....9836
(17) Betameprodine 9608
(18) Betamethadol.....9609
(19) Betaprodine.....9611
(20) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide).....9822
(21) Clonitazene 9612
(22) *Crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide).....9844*
(23) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide).....*9847*
~~(23)~~*(24)* Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide).....9845
~~(24)~~*(25)* Dextromoramide.....9613
~~(25)~~*(26)* Diampromide.....9615
~~(26)~~*(27)* Diethylthiambutene.....9616
~~(27)~~*(28)* Difenoxin.....9168
~~(28)~~*(29)* Dimenoxadol.....9617
~~(29)~~*(30)* Dimepheptanol.....9618
~~(30)~~*(31)* Dimethylthiambutene 9619
~~(31)~~*(32)* Dioxaphetyl butyrate 9621
~~(32)~~*(33)* Dipipanone.....9622
~~(33)~~*(34)* Ethylmethylthiambutene.....9623
~~(34)~~*(35)* Etonitazene 9624
~~(35)~~*(36)* Etoxeridine.....9625
~~(36)~~*(37)* Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide) 9834
~~(37)~~*(38)* Furethidine 9626
~~(38)~~*(39)* Hydroxypethidine 9627
~~(39)~~*(40) Isotonitazene (N,N-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1-H-benzimidazol-1-yl)ethan-1-amine; N,N-diethyl-2-[[4-(1-methylethoxy)phenyl]methyl]-5-nitro-1 H-benzimidazole-1-ethanamine).....9614*
(41) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide).....*9827*
~~(40)~~*(42)* Ketobemidone.....9628
~~(41)~~*(43)* Levomoramide.....9629
~~(42)~~*(44)* Levophenacylmorphan 9631
~~(43)~~*(45)* Methoxyacetyl fentanyl (2-methoxy-N-

(1-phenethylpiperidin-4-yl)-N-phenylacetamide).....9825
~~(44)~~*(46)* 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-
4-piperidyl]-N-phenylpropanamide).....9813
~~(45)~~*(47)* 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-
4-piperidinyl]-N-phenylpropanamide) 9833
~~(46)~~*(48)* Morpheridine.....9632
~~(47)~~*(49)* Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-
(1-phenethylpiperidin-4-yl)acetamide).....*9838*
~~(48)~~*(50)* O-desmethyltramadol
Some trade or other names: 2-((dimethylamino)methyl-
1-(3-hydroxyphenyl)cyclohexanol;3-(2-((dimethylamino)
methyl)-1-hydroxycyclohexyl)phenol
~~(49)~~*(51)* MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).....9661
~~(50)~~*(52)* MT-45 (1-cychohexyl-4-(1,2-diphenylethyl)piperazine) *9560*
~~(51)~~*(53)* Noracymethadol.....9633
~~(52)~~*(54)* Norlevorphanol.....9634
~~(53)~~*(55)* Normethadone.....9635
~~(54)~~*(56)* Norpipanone 9636
~~(55)~~*(57)* Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-
(1-phenethylpiperidin-4-yl)propionamide;
2-fluorofentanyl) 9816
~~(56)~~*(58)* Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-
N-(1-phenethylpiperidin-4-yl)isobutyramide).....*9826*
~~(57)~~*(59)* Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-
(1-phenethylpiperidin-4-yl)butyramide).....*9823*
~~(58)~~*(60)* Para-fluorofentanyl (N-(4-fluorophenyl)-N-
[1-(2-phenethyl)-4-piperidinyl]propanamide).....9812
~~(59)~~*(61)* Para-fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-
N-(1-phenethylpiperidin-4-yl)isobutyramide,
4-fluoroisobutyryl fentanyl) 9824
~~(60)~~*(62)* Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-
N-(1-phenethylpiperidin-4-yl)butyramide) *9837*
~~(61)~~*(63)* PEPAP (1-(-2-phenethyl)-4-phenyl-4-
acetoxypiperidine).....9663
~~(62)~~*(64)* Phenadoxone.....9637
~~(63)~~*(65)* Phenampromide.....9638
~~(64)~~*(66)* Phenomorphan.....9647
~~(65)~~*(67)* Phenoperidine.....9641
~~(66)~~*(68)* Piritramide 9642
~~(67)~~*(69)* Proheptazine 9643
~~(68)~~*(70)* Properidine 9644
~~(69)~~*(71)* Propiram.....9649
~~(70)~~*(72)* Racemoramide 9645

~~(71)~~*(73)* Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide).....9843
~~(72)~~*(74)* Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide) 9835
~~(73)~~*(75)* Tilidine 9750
~~(74)~~*(76)* Trimeperidine 9646
~~(75)~~*(77)* U-47700 (3,4-dichloro-N-[2-(dimethylamino) cyclohexyl]-N-methylbenzamide) 9547
~~(76)~~*(78)* Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide).....*9840*

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine.....9319
(2) Acetyldihydrocodeine 9051
(3) Benzylmorphine.....9052
(4) *Brorphine* *9098*
(5) Codeine methylbromide.....9070
~~(5)~~*(6)* Codeine-N-Oxide.....9053
~~(6)~~*(7)* Cyprenorphine.....9054
~~(7)~~*(8)* Desomorphine 9055
~~(8)~~*(9)* Dihydromorphine 9145
~~(9)~~*(10)* Drotebanol 9335
~~(10)~~*(11)* Etorphine (except hydrochloride salt) 9056
~~(11)~~*(12)* Heroin 9200
~~(12)~~*(13)* Hydromorphinol 9301
~~(13)~~*(14)* Methyldesorphine.....9302
~~(14)~~*(15)* Methyldihydromorphine 9304
~~(15)~~*(16)* Morphine methylbromide 9305
~~(16)~~*(17)* Morphine methylsulfonate 9306
~~(17)~~*(18)* Morphine-N-Oxide 9307
~~(18)~~*(19)* Myrophine.....9308
~~(19)~~*(20)* Nicocodeine 9309
~~(20)~~*(21)* Nicomorphine 9312
~~(21)~~*(22)* Normorphine 9313
~~(22)~~*(23)* Pholcodine.....9314
~~(23)~~*(24)* Thebacon.....9315

(d) Any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Alpha-ethyltryptamine 7249 Some trade or other names: etryptamine; Monase; α-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α-ET; and AET.
(2) 4-bromo-2,5-dimethoxy-amphetamine 7391
Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.
(3) 2,5-dimethoxyamphetamine 7396
Some trade or other names: 2,5-dimethoxy-alpha-methyl-phenethylamine; 2,5-DMA.
(4) 4-methoxyamphetamine 7411
Some trade or other names: 4-methoxy-alpha-methylphene-thylamine; paramethoxyamphetamine; PMA.
(5) 5-methoxy-3,4-methylenedioxy-amphetamine 7401
(6) 4-methyl-2,5-dimethoxy-amphetamine.....7395
Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP".
(7) 3,4-methylenedioxy amphetamine 7400
(8) 3,4-methylenedioxymethamphetamine (MDMA).....7405
(9) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA).....7404
(10) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4-(methylenedioxy) phenethylamine, and N-hydroxy MDA) 7402
(11) 3,4,5-trimethoxy amphetamine 7390
(12) Bufotenine.....7433
Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.
(13) Diethyltryptamine.....7434
Some trade or other names: N,N-Diethyltryptamine; DET.
(14) Dimethyltryptamine 7435
Some trade or other names: DMT.
(15) Ibogaine.....7260
Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido[1',2':1,2] azepino[5,4-b]indole; Tabernanthe iboga
(16) Lysergic acid diethylamide 7315
(17) Marijuana 7360
(18) Mescaline 7381
(19) Parahexyl 7374
Some trade or other names: 3-Hexyl-l-hydroxy-7,8,9,10-

tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.

(20) Peyote 7415
Meaning all parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.

(21) N-ethyl-3-piperidyl benzilate 7482

(22) N-methyl-3-piperidyl benzilate 7484

(23) Psilocybin 7437

(24) Psilocyn 7438
Some trade or other names: Psilocin.

(25) Ethylamine analog of phencyclidine 7455
Some trade or other names: N-ethyl-1-phenyl-cyclohexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE.

(26) Pyrrolidine analog of phencyclidine 7458
Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; PHP.

(27) Thiophene analog of phencyclidine 7470
Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP.

(28) 1-[1-(2-thienyl)-cyclohexyl] pyrrolidine 7473
Some other names: TCPy.

(29) 2,5-dimethoxy-4-ethylamphetamine 7399
Some trade or other names: DOET.

(30) Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.

(31) Datura stramonium, commonly known as gypsum weed or jimson weed; all parts of the plant presently classified botanically as datura stramonium, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.

(32) N-benzylpiperazine 7493
Some trade or other names: BZP.

(33) 1-(3-[trifluoromethylphenyl])piperazine
Some trade or other names: TFMPP.

(34) 4-Bromo-2,5-dimethoxyphenethylamine 7392

(35) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical isomers, salts and salts of optical isomers.....7348
(36) Alpha-methyltryptamine (other name: AMT) 7432
(37) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts and salts of isomers.....7439
(38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).....7509
(39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).....7508
(40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C) 7519
(41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I) 7518
(42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).....7385
(43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).....7532
(44) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).....7517
(45) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N) 7521
(46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P) 7524
(47) 5–methoxy–N,N–dimethyltryptamine (5–MeO–DMT) 7431
Some trade or other names: 5–methoxy–3–[2–(dimethylamino) ethyl]indole.
(48) 2–(4–iodo–2,5–dimethoxyphenyl)–N–(2–methoxybenzyl)ethanamine.....7538
Some trade or other names: 25I–NBOMe; 2C–I–NBOMe; 25I; Cimbi–5.
(49) 2–(4–chloro–2,5–dimethoxyphenyl)–N–(2–methoxybenzyl)ethanamine.....7537
Some trade or other names: 25C–NBOMe; 2C–C–NBOMe; 25C; Cimbi–82.
(50) 2–(4–bromo–2,5–dimethoxyphenyl)–N–(2–methoxybenzyl)ethanamine.....7536
Some trade or other names: 25B–NBOMe; 2C–B–NBOMe; 25B; Cimbi–36.
(51) 2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
Some trade or other names: 25H-NBOMe.
(52) 2-(2,5-dimethoxy-4-methylphenyl)-N-(2-methoxybenzyl)ethanamine
Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.
(53) 2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl)ethanamine
Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.
(54) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo [2,3-b]pyridine-3-carboxamide (5F-CUMYL-P7AICA).....7085

(e) Any material, compound, mixture or preparation that contains any quantity of the following substances having a depressant effect on the

central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Etizolam
Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)

(2) Mecloqualone.....2572

(3) Methaqualone.....2565

(4) Gamma hydroxybutyric acid

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(1) Aminorex.....1585
Some other names: Aminoxaphen 2-amino-5-phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazolamine

(2) Fenethylline.....1503

(3) N-ethylamphetamine.....1475

(4) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine).....1590

(5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine).....1480

(6) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-amino propiophenone, 2-amino propiophenone and norphedrone).....1235

(7) Substituted cathinones
Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2–aminopropan–1–one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

(A) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(B) by substitution at the 3-position with an acyclic alkyl substituent;

(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or

(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(g) Any material, compound, mixture or preparation that contains any quantity of the following substances:

(1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers

(2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers

(h) Any of the following cannabinoids, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Tetrahydrocannabinols 7370

Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.), except tetrahydrocannabinols in any of the following:

(A) Industrial hemp, as defined in K.S.A. 2021 Supp. 2-3901, and amendments thereto;

(B) solid waste, as defined in K.S.A. 65-3402, and amendments thereto, and hazardous waste, as defined in K.S.A. 65-3430, and amendments thereto, if such waste is the result of the cultivation, production or processing of industrial hemp, as defined in K.S.A. 2021 Supp. 2-3901, and amendments thereto, and such waste contains a delta-9 tetrahydrocannabinol concentration of not more than 0.3%; or

(C) hemp products, as defined in K.S.A. 2021 Supp. 2-3901, and amendments thereto, unless otherwise deemed unlawful pursuant to K.S.A. 2021 Supp. 2-3908, and amendments thereto.

(2) ~~Naphthoylindoles~~

~~Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an lkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,~~

~~cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or naphthyl ring to any extent.~~

~~(3)~~ Naphthylmethylindoles

Any compound containing a 1H-indol-3-yl-(1-naphthyl) methane structure with substitution at the nitrogen atom of the indole ~~ring~~ *group* by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted ~~in~~ *on* the indole ~~ring~~ *group* to any extent and whether or not substituted ~~in~~ *on* the benzyl or naphthyl ring to any extent.

~~(4)~~*(3)* Naphthoylpyrroles

Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ~~ring~~ *group* by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted ~~in~~ *on* the pyrrole ~~ring~~ *group* to any extent, whether or not substituted ~~in~~ *on* the benzyl or naphthyl ring to any extent.

~~(5)~~*(4)* Naphthylmethylindenes

Any compound containing a ~~naphthylideneindene~~ *naphthylmethylindene* structure with substitution at the 3-position of the indene ~~ring~~ *group* by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted ~~in~~ *on* the indene ~~ring~~ *group* to any extent, whether or not substituted ~~in~~ *on* the benzyl or naphthyl ring to any extent.

~~(6) Phenylacetylindoles~~

~~Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the benzyl or phenyl ring to any extent.~~

~~(7)~~*(5)* Cyclohexylphenols

Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,

cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted ~~in~~ *on* the cyclohexyl ring to any extent.

~~(8) Benzoylindoles~~

~~Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or phenyl ring to any extent.~~

~~(9)~~*(6)* 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de]-1,4-benzoxazin-6-yl]-1-napthalenylmethanone.
Some trade or other names: WIN 55,212-2.

~~(10)~~*(7)* 9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol
Some trade or other names: HU-210, HU-211.

~~(11) Tetramethylcyclopropanoylindoles~~

~~Any compound containing a 3-tetramethylcyclopropanoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or tetramethylcyclopropyl rings to any extent.~~

~~(12)~~*(8)* Indole-3-carboxylate esters

Any compound containing a 1H-indole-3-carboxylate ester structure with the ester oxygen bearing a naphthyl, quinolinyl, isoquinolinyl or adamantyl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, ~~N-methyl-2-piperidinylmethyl~~ *1-(N-methyl-2-piperidinyl)methyl* or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl or benzyl groups to any extent.

~~(13)~~*(9)* Indazole-3-carboxamides

Any compound containing a 1H-indazole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and

substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, ~~N-methyl-2-piperidinylmethyl~~ *1-(N-methyl-2-piperidinyl)methyl*, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.

~~(14)~~*(10)* Indole-3-carboxamides

Any compound containing a 1H-indole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, ~~N-methyl-2-piperidinylmethyl~~ *1-(N-methyl-2-piperidinyl)methyl*, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not further substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.

~~(15)~~*(11)* (1H-indazol-3-yl)methanones

Any compound containing a (1H-indazol-3-yl)methanone structure with the carbonyl carbon bearing a naphthyl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, ~~N-methyl-2-piperidinylmethyl~~ *1-(N-methyl-2-piperidinyl)methyl*, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl or benzyl groups to any extent.

(12) (1H-indol-3-yl)methanones

Any compound containing a (1H-indol-3-yl)methanone structure with the carbonyl carbon bearing a naphthyl, quinolinyl, isoquinolinyl, adamantyl, phenyl, benzyl or tetramethylcyclopropyl group and substitution at the 1 position of the indole ring by an alkyl,haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl,

adamantyl, phenyl, benzyl or tetramethylcyclopropyl groups to any extent.

Sec. 4. K.S.A. 65-4107 is hereby amended to read as follows: 65-4107. (a) The controlled substances listed in this section are included in schedule II and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone*, 6β-naltrexol* and naltrexone and their respective salts, but including the following:

(A) Raw opium 9600
(B) Opium extracts 9610
(C) Opium fluid 9620
(D) Powdered opium 9639
(E) Granulated opium 9640
(F) Tincture of opium 9630
(G) Codeine 9050
(H) Ethylmorphine 9190
(I) Etorphine hydrochloride 9059
(J) Hydrocodone 9193
(K) Hydromorphone 9150
(L) Metopon 9260
(M) Morphine 9300
(N) *Noroxymorphone* *9668*
(O) Oxycodone 9143
~~(O)~~*(P)* Oxymorphone 9652
~~(P)~~*(Q)* Thebaine 9333
~~(Q)~~*(R)* Dihydroetorphine 9334
~~(R)~~*(S)* Oripavine 9330

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

(3) Opium poppy and poppy straw.

(4) Coca leaves (9040) and any salt, compound, derivative or preparation of coca leaves, but not including decocainized coca leaves or extractions which do not contain cocaine (9041) or ecgonine (9180).

(5) Cocaine, its salts, isomers and salts of isomers (9041).

(6) Ecgonine, its salts, isomers and salts of isomers (9180).

(7) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy) (9670).

(c) Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation dextrorphan and levopropoxyphene excepted:

(1) Alfentanil 9737
(2) Alphaprodine 9010
(3) Anileridine 9020
(4) Bezitramide 9800
(5) Bulk dextropropoxyphene (nondosage forms) 9273
(6) Carfentanil 9743
(7) Dihydrocodeine 9120
(8) Diphenoxylate 9170
(9) Fentanyl 9801
(10) Isomethadone 9226
(11) Levomethorphan 9210
(12) Levorphanol 9220
(13) Metazocine 9240
(14) Methadone 9250
(15) Methadone-intermediate,4-cyano-2-dimethyl amino-4, 4-diphenyl butane 9254
(16) Moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid 9802
(17) *Oliceridine (N-[(3-methoxythiophen-2-yl)methyl] ({2-[(9 R)-9-(pyridin-2-yl)-6-oxaspiro [4.5]decan-9-yl]ethyl})amine fumarate)* *9245*
(18) Pethidine (meperidine) 9230
~~(18)~~*(19)* Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine 9232
~~(19)~~*(20)* Pethidine-intermediate-B, ethyl-4-phenyl-piperidine-4-carboxylate 9233
~~(20)~~*(21)* Pethidine-intermediate-C, 1-methyl-4-phenyl-piperidine-4-carboxylic acid 9234
~~(21)~~*(22)* Phenazocine 9715
~~(22)~~*(23)* Piminodine 9730
~~(23)~~*(24)* Racemethorphan 9732
~~(24)~~*(25)* Racemorphan 9733
~~(25)~~*(26)* Sufentanil 9740
~~(26)~~*(27)* Levo-alphacetyl methadol 9648
Some other names: levo-alpha-acetyl methadol, levomethadyl acetate or LAAM.

~~(27)~~*(28)* Remifentanil.....9739
~~(28)~~*(29)* Tapentadol.....9780
~~(29)~~*(30)* Thiafentanil.....9729

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers and salts of its optical isomers.....1100
(2) Phenmetrazine and its salts.....1631
(3) Methamphetamine, including its salts, isomers and salts of isomers.....1105
(4) Methylphenidate.....1724
(5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.....1205

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

(1) Amobarbital.....2125
(2) Glutethimide.....2550
(3) Secobarbital.....2315
(4) Pentobarbital.....2270
(5) Phencyclidine.....7471

(f) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:
  (A) Phenylacetone.....8501
    Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.
(2) Immediate precursors to phencyclidine (PCP):
  (A) 1-phenylcyclohexylamine.....7460
  (B) 1-piperidinocyclohexanecarbonitrile (PCC).....8603
(3) Immediate precursor to fentanyl:
  (A) 4-anilino-N-~~phenethyl-4-piperidine~~ *phenethylpiperidine*(ANPP).....8333
  (B) N-phenyl-N-(piperidin-4-yl)propionamide (norfentanyl).....8366

(g) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substance, its salts, isomers and salts of isomers, unless specifically excepted, whenever the existence

of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Dronabinol [(-)-delta-9-trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the United States food and drug administration 7365

(2) Nabilone 7379
[Another name for nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one]

(h) Any material, compound, mixture or preparation containing any of the following narcotic drugs or any salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with a fourfold or greater quantity of an isoquinoline alkaloid of opium 9805

(2) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts 9806

Sec. 5. K.S.A. 65-4111 is hereby amended to read as follows: 65-4111. (a) The controlled substances listed in this section are included in schedule IV and the number set forth opposite each drug or substance is the DEA controlled substances code that has been assigned to it.

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

(1) Alprazolam 2882
(2) Barbital 2145
(3) *Brexanolone* *2400*
(4) Bromazepam 2748
~~(4)~~*(5)* Camazepam 2749
~~(5)~~*(6)* Carisoprodol 8192
~~(6)~~*(7)* Chloral betaine 2460
~~(7)~~*(8)* Chloral hydrate 2465
~~(8)~~*(9)* Chlordiazepoxide 2744
~~(9)~~*(10)* Clobazam 2751
~~(10)~~*(11)* Clonazepam 2737
~~(11)~~*(12)* Clorazepate 2768

~~(12)~~*(13)* Clotiazepam 2752
~~(13)~~*(14)* Cloxazolam 2753
~~(14)~~*(15)* Delorazepam 2754
~~(15)~~*(16)* Diazepam 2765
~~(16)~~*(17)* Dichloralphenazone 2467
~~(17)~~*(18)* Estazolam 2756
~~(18)~~*(19)* Ethchlorvynol 2540
~~(19)~~*(20)* Ethinamate 2545
~~(20)~~*(21)* Ethyl loflazepate 2758
~~(21)~~*(22)* Fludiazepam 2759
~~(22)~~*(23)* Flunitrazepam 2763
~~(23)~~*(24)* Flurazepam 2767
~~(24)~~*(25)* Fospropofol 2138
~~(25)~~*(26)* Halazepam 2762
~~(26)~~*(27)* Haloxazolam 2771
~~(27)~~*(28)* Ketazolam 2772
~~(28)~~*(29)* *Lemborexant* *2245*
(30) Loprazolam 2773
~~(29)~~*(31)* Lorazepam 2885
~~(30)~~*(32)* Lormetazepam 2774
~~(31)~~*(33)* Mebutamate 2800
~~(32)~~*(34)* Medazepam 2836
~~(33)~~*(35)* Meprobamate 2820
~~(34)~~*(36)* Methohexital 2264
~~(35)~~*(37)* Methylphenobarbital (mephobarbital) 2250
~~(36)~~*(38)* Midazolam 2884
~~(37)~~*(39)* Nimetazepam 2837
~~(38)~~*(40)* Nitrazepam 2834
~~(39)~~*(41)* Nordiazepam 2838
~~(40)~~*(42)* Oxazepam 2835
~~(41)~~*(43)* Oxazolam 2839
~~(42)~~*(44)* Paraldehyde 2585
~~(43)~~*(45)* Petrichloral 2591
~~(44)~~*(46)* Phenobarbital 2285
~~(45)~~*(47)* Pinazepam 2883
~~(46)~~*(48)* Prazepam 2764
~~(47)~~*(49)* Quazepam 2881
~~(48)~~*(50)* *Remimazolam* *2846*
(51) Temazepam 2925
~~(49)~~*(52)* Tetrazepam 2886
~~(50)~~*(53)* Triazolam 2887
~~(51)~~*(54)* Zolpidem 2783
~~(52)~~*(55)* Zaleplon 2781

~~(53)~~*(56)* Zopiclone.....2784
~~(54)~~*(57)* 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl) cyclohexanol, its salts, optical and geometric isomers and salts of these isomers (including tramadol).....9752
~~(55)~~*(58)* Alfaxalone.....2731
~~(56)~~*(59)* Suvorexant.....2223

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

(d) Any material, compound, mixture or preparation that contains any quantity of lorcaserin (1625), including its salts, isomers and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible (21 U.S.C. § 812; 21 code of federal regulations 1308.14).

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

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

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

(9) Pipradrol.....1750
(10) SPA((-)-1-dimethylamino-1, 2-diphenylethane).....1635
(11) Sibutramine.....1675
(12) *Solriamfetol (2-amino-3-phenylpropyl carbamate; benzenepropanol, beta-amino-, carbamate (ester)).....1650*

(13) Mondafinil 1680

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

(1) Pentazocine 9709

(2) Butorphanol (including its optical isomers).....9720

(3) ~~Cannabidiol, when comprising the sole active ingredient of a drug product approved by the United States food and drug administration~~
~~Some other names for cannabidiol: 2-[(1R,6R)-3-Methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol~~

~~(4)~~ Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl)-2,6-dimethylphenyl]-1-oxopropyl][(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid) (including its optical isomers) and its salts, isomers, and salts of isomers 9725

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

(1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit 9167

(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propion-oxybutane).....9278

(h) Butyl nitrite and its salts, isomers, esters, ethers or their salts.

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

Sec. 6. K.S.A. 65-4113 is hereby amended to read as follows: 65-4113. (a) The controlled substances or drugs, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section are included in schedule V.

(b) Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams.

(2) Not more than 100 milligrams of dihydrocodeine or any of its salts per 100 milliliters or per 100 grams.

(3) Not more than 100 milligrams of ethylmorphine or any of its salts per 100 milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

(6) Not more than .5 milligram of difenoxin (9168) and not less than 25 micrograms of atropine sulfate per dosage unit.

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

(1) Propylhexedrine (except when part of a compound used for nasal decongestion which is authorized to be sold lawfully over the counter without a prescription under the federal food, drug and cosmetic act, so long as it is used only for such purpose) 8161

(2) Pyrovalerone 1485

(d) Any compound, mixture or preparation containing any detectable quantity of ephedrine, its salts or optical isomers, or salts of optical isomers.

(e) Any compound, mixture or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers.

(f) Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

(1) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide) (some trade or other names BRV; UCB-34714; Briviact) 2710

(2) *Cenobamate [(1R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl) ethyl] carbamate* *2720*

(3) Ezogabine N-[2-amino-4(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester 2779

~~(3)~~*(4)* Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide].....2746

~~(4)~~*(5) Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl-benzamide* *2790*
(6) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].....2782

Sec. 7. K.S.A. 65-4107, 65-4111 and 65-4113 and K.S.A. 2021 Supp. 21-5701, 65-4101 and 65-4105 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved June 2, 2022.

Published in the *Kansas Register* June 9, 2022.

CHAPTER 100

House Substitute for SENATE BILL No. 19*

AN ACT concerning public health; relating to the 988 suicide prevention and mental health crisis hotline; implementing such hotline in Kansas; authorizing the Kansas department for aging and disability services to provide oversight and support to Kansas hotline centers; prescribing hotline center duties for provision of services; duties for telecommunications service providers; establishing the 988 suicide prevention and mental health crisis hotline fund and transferring moneys annually thereto from the state general fund; 988 coordinating council.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Sections 1 through 8, and amendments thereto, shall be known and may be cited as the living, investing in values and ending suicide (LIVES) act.

Sec. 2. As used in sections 1 through 8, and amendments thereto:

(a) "Crisis stabilization services" means short-term services of up to 72 hours with capacity for diagnosis, initial management, observation, crisis stabilization and follow-up referral services.

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

(c) "Exchange telecommunications service" means the same as provided in K.S.A. 12-5363, and amendments thereto.

(d) "Hotline" means the 988 suicide prevention and mental health crisis hotline or its successor maintained by the assistant secretary for mental health and substance use under 42 U.S.C. § 290bb-36c.

(e) "Hotline center" means a 988 suicide prevention and mental health crisis hotline center, designated by the Kansas department for aging and disability services, participating in the national suicide prevention lifeline network to respond to statewide or regional 988 calls.

(f) "Mobile crisis team" means a team of behavioral health professionals and peers that provide professional, community-based, crisis intervention services, including, but not limited to, de-escalation and stabilization for individuals who are experiencing a behavioral health crisis. Such services are separate and distinct from 911 emergency responses of emergency medical services or law enforcement.

(g) "NSPL" means the national suicide prevention lifeline, the national network of local, certified crisis centers that provide free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours per day, seven days per week.

(h) "Peer specialist" means an individual certified by the department to provide supportive services on the basis of such individual's personal, lived experience of mental illness or addiction and recovery.

(i) "Provider" means the same as defined in K.S.A. 12-5363, and amendments thereto.

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

(k) "Services" means behavioral health services.

(l) "Service user" means any person who is provided exchange telecommunications service, wireless telecommunications service, VoIP service, prepaid wireless service or any other service capable of contacting a hotline center by dialing 988.

(m) "VCL" means the veterans crisis line maintained by the United States secretary of veterans affairs under 38 U.S.C. § 1720F(h).

(n) "VoIP service" means the same as provided in K.S.A. 12-5363, and amendments thereto.

(o) "Wireless telecommunications service" means the same as provided in K.S.A. 12-5363, and amendments thereto.

Sec. 3. In accordance with 47 C.F.R. § 52.200:

(a) The Kansas department for aging and disability services shall:

(1) Prior to July 16, 2022:

(A) Designate a hotline center or network of centers to provide crisis intervention services and care coordination to individuals accessing the hotline for 24 hours per day, seven days per week;

(B) create a system for information sharing and communication between crisis and emergency response systems and hotline centers for the purpose of real-time crisis care coordination, including, but not limited to, deployment of crisis and outgoing services specific to a crisis response or 911 emergency responders when necessary;

(C) convene mobile crisis teams;

(D) develop guidelines for deploying services, including mobile crisis teams, coordinating access to crisis stabilization services or other local resources as appropriate, and providing referrals and follow-ups;

(E) coordinate consistent public messaging regarding the hotline with NSPL, the department and the United States department of veterans affairs;

(F) require training as established by NSPL for hotline center staff for servicing high-risk and specialized populations identified by the substance abuse and mental health services administration within the United States department of health and human services or transferring to appropriate specialized centers;

(G) work with the Kansas department of health and environment and KanCare managed care organizations to develop plans for payment for KanCare members and uninsured services;

(H) create an advisory board to provide guidance to the secretary and gather feedback and make recommendations for hotline centers, local counties and municipalities regarding the planning and implementation of the hotline;

(I) hire a statewide suicide prevention coordinator; and

(J) adopt rules and regulations to implement the provisions of this act.

(2) After July 16, 2022:

(A) Consult with the advisory board to provide guidance to the secretary and gather feedback and make recommendations for hotline centers, local counties and municipalities regarding usage and services provided in response to calls to the hotline centers;

(B) fund payment for crisis stabilization services provided to an individual in direct response to a hotline center call if such individual is uninsured or such services are not covered by such individual's insurance; and

(C) apply for, receive, administer and utilize any grants or financial assistance that the federal government or other public or private sources make available for the purposes of this act.

(b) The hotline centers shall:

(1) Prior to July 16, 2022:

(A) Establish an agreement with the NSPL for participation within the network;

(B) meet any training requirements for hotline center staff established by the NSPL or the department in subsection (a);

(C) enter into memorandums of understanding with local service providers to be deployed according to the guidelines established by the department in subsection (a);

(D) coordinate access to crisis stabilization services or other local resources as appropriate according to the guidelines established by the department in subsection (a);

(E) provide referrals and follow-ups according to the guidelines established by the department in subsection (a);

(F) work with the United States department of veterans affairs to route calls from self-designated veterans for the provision of VCL services; and

(G) meet any requirement set forth in subsection (b)(2), if the center has the capabilities to meet such provisions before July 16, 2022.

(2) After July 16, 2022:

(A) Receive all calls initiated by a service user dialing 988 from providers;

(B) deploy crisis services, including mobile crisis teams according to the guidelines established by the department in subsection (a);

(C) coordinate access to crisis stabilization services or other local resources as appropriate according to guidelines established by the department in subsection (a);

(D) provide referrals and follow-ups according to the guidelines established by the department in subsection (a);

(E) continue to meet training requirements established by the NSPL and the department in subsection (a); and

(F) continue to work with the United States department of veterans affairs to route calls from self-designated veterans for the provision of VCL services.

(c) Providers shall:

(1) Prior to July 16, 2022:

(A) Establish 988 as the unique number for suicide prevention and mental health crisis;

(B) transmit all calls initiated by a service user dialing 988 to the current toll-free access number for the NSPL;

(C) complete all changes necessary to implement the designation of the 988 dialing code; and

(D) prepare for the potential collection and remittance of fees to the 988 suicide prevention and mental health crisis hotline fund established pursuant to section 5, and amendments thereto.

(2) After July 16, 2022, direct all calls initiated by a user dialing 988 to hotline centers.

Sec. 4. Except as provided by the Kansas tort claims act and except for action or inaction that constitutes gross negligence or willful and wanton misconduct, each provider, and employees, agents, suppliers and subcontractors thereof, and each seller, and employees, agents, suppliers and subcontractors thereof, shall not be liable for the payment of damages resulting directly or indirectly from the total or partial failure of any transmission to an emergency communication service or for damages resulting from the performance of installing, maintaining or providing 988 service.

Sec. 5. (a) There is hereby established in the state treasury the 988 suicide prevention and mental health crisis hotline fund to be administered by the secretary for aging and disability services. Moneys received from any public or private entity for the purposes of the fund shall be credited to such fund.

(b) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the 988 suicide prevention and mental health crisis hotline fund, interest earnings based on:

(1) The average daily balance of moneys in the 988 suicide prevention and mental health crisis hotline fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(c) (1) Moneys credited to the fund shall be used only to pay expenses that are reasonably attributed to:

(A) Ensuring the efficient and effective routing of calls made to the 988 national suicide prevention and mental health crisis hotline to an appropriate crisis center; and

(B) personnel and the provision of acute mental health services, the provision of mobile crisis response services, including, but not limited to,

services for those persons with intellectual or developmental disabilities and persons with behavioral health needs, crisis outreach and stabilization services by directly responding to the 988 national suicide prevention and mental health crisis hotline, public promotion, data collection and reporting.

(2) Moneys credited to the fund shall not be used to pay expenses that are attributed to persons or entities who are domiciled outside of this state.

(d) 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 or the secretary's designee.

(e) Moneys in the 988 suicide prevention and mental health crisis hotline fund 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 fund shall remain intact and inviolate for the purposes set forth in this section, 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.

(f) (1) On July 1, 2022, and on each July 1 thereafter, except as provided in paragraph (2), the director of accounts and reports shall transfer $10,000,000 from the state general fund to the 988 suicide prevention and mental health crisis hotline fund.

(2) For the fiscal year ending June 30, 2023, and each fiscal year thereafter, the secretary for aging and disability services, in consultation with the director of the budget, shall certify at the end of each such fiscal year the amount of the unencumbered ending balance of moneys in the 988 suicide prevention and mental health crisis hotline fund and shall transmit such certification to the director of accounts and reports and the director of legislative research. Upon receipt of such certification, the director of accounts and reports shall reduce the amount of the demand transfer required to be made pursuant to paragraph (1) for the fiscal year following such certification by such certified amount.

Sec. 6. On or before the first day of each regular session of the legislature, the secretary for aging and disability services shall submit a report to the house of representatives standing committees on appropriations, energy, utilities and telecommunications and health and human services and the senate standing committees on ways and means, utilities and public health and welfare, or any successor committees thereto, that provides the following:

(a) Outcomes related to implementation of the 988 suicide prevention and mental health crisis hotline in Kansas, including key performance indicators;

(b) the hotline's usage in the state;

(c) the services provided in response to calls to the hotline centers;

(d) whether any grants or financial assistance has been made available from any federal or other public or private source for the purpose of this act, whether any applications were submitted to receive such grants or financial assistance and the amounts received from any such grants or financial assistance;

(e) an estimate of the costs that will be necessary to continue to support and fund the requirements of this act in the ensuing fiscal year; and

(f) recommendations regarding how such costs may be funded, including through the imposition and collection of fees or charges on telecommunications services with estimates of such fees or charges.

Sec. 7. Each school district that issues student identification cards to students in any of the grades six through 12 is encouraged to include on such student identification cards the 988 suicide prevention and mental health crisis hotline number or, if such hotline is not in operation, then a local, state or national suicide prevention hotline telephone number.

Sec. 8. (a) (1) There is hereby created the 988 coordinating council.

(2) The 988 coordinating council shall advise the secretary for aging and disability services on the delivery of 988 services, strategies for future enhancements to the 988 system and the distribution of funds to organizations providing services as national suicide prevention lifeline centers. To the extent possible, the council shall include individuals with technical expertise regarding mental health crisis delivery services, call center technology and services and any other relevant subject matter.

(b) (1) The 988 coordinating council shall consist of the following 11 voting members:

(A) Nine voting members appointed by the governor as follows:

(i) One member representing information technology personnel from governmental units;

(ii) one member representing the Kansas sheriff's association;

(iii) one member representing the Kansas association of chiefs of police;

(iv) one member representing the Kansas association of community mental health centers;

(v) one member representing interhab;

(vi) one member from the Kansas department for aging and disability services;

(vii) one member recommended by the Kansas commission for the deaf and hard of hearing;

(viii) one member representing national suicide prevention lifeline centers located in counties with a population of fewer than 75,000; and

(ix) one member representing national suicide prevention lifeline centers located in counties with a population greater than 75,000; and

(B) two voting members appointed by the legislative coordinating council, including one member of the house of representatives standing committee on appropriations and one member of the senate standing committee on ways and means.

(2) The 988 coordinating council shall also include the following nonvoting members appointed by the governor:

(A) One member representing rural telecommunications companies recommended by the Kansas rural independent telephone companies;

(B) one member representing incumbent local exchange carriers with over 50,000 access lines;

(C) one member representing large wireless providers;

(D) one member recommended by the league of Kansas municipalities;

(E) one member recommended by the Kansas association of counties; and

(F) one member recommended by the mid-America regional council who is a resident of Kansas.

(c) (1) Except as otherwise provided in this subsection, each voting member appointed to the council shall be appointed for a three-year term and until a successor is appointed and qualified. Of the nine voting members appointed by the governor, three shall be appointed to an initial term of two years and three shall be appointed to an initial term of four years, as specified by the governor.

(2) A voting member shall not serve longer than two successive three-year terms. A voting member appointed as a replacement for another voting member may finish the term of the predecessor and may serve two additional successive terms.

(d) The governor shall select the chairperson of the 988 coordinating council, who shall serve as chairperson at the pleasure of the governor. The chairperson shall serve subject to the direction of the council and ensure that policies adopted by the council are carried out. The chairperson shall serve as the liaison between the council and the federal substance abuse and mental health services administration. The chairperson shall preside over all meetings of the council and assist the council in effectuating the provisions of this act.

(e) All expenses related to the council shall be paid from the 988 suicide prevention and mental health crisis hotline fund established by section 5, and amendments thereto. Members of the council and other persons appointed to subcommittees by the council may receive reimbursement for meals and travel expenses, but shall serve without other compensation. Legislative members of the council shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of the council.

(f) Every service provider shall submit contact information for the service provider to the council. Any service provider that has not previously provided wireless telecommunications service in this state shall submit contact information for the service provider to the council within three months of first offering wireless telecommunications services in this state.

(g) On or before the first day of each regular session of the legislature, the 988 coordinating council shall make and submit a report to the house of representatives standing committee on energy, utilities and telecommunications and the senate standing committee on utilities, or any successor committees thereto, that includes a detailed description of all expenditures made by the national suicide prevention lifeline centers.

(h) The provisions of this section shall expire on July 1, 2026.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.

Approved June 2, 2022.

CHAPTER 101

HOUSE CONCURRENT RESOLUTION No. 5020

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 House of Representatives of the State of Kansas, the Senate 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.

Adopted by the House January 10, 2022.

Adopted by the Senate January 10, 2022.

CHAPTER 102

HOUSE CONCURRENT RESOLUTION No. 5021

A CONCURRENT RESOLUTION providing for joint sessions of the Senate and the House of Representatives for the purpose of hearing messages from the Governor and the Supreme Court.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Senate and the House of Representatives meet in joint session in Representative Hall at 6:00 p.m. on January 11, 2022, for the purpose of hearing a message from the Governor.

Be it further resolved: That the Senate and the House of Representatives meet in joint session in Representative Hall at 1:15 p.m. on January 11, 2022, for the purpose of hearing a message from the Supreme Court on the judicial branch of government.

Be it further resolved: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Governor.

Be it further resolved: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Lieutenant Governor.

Be it further resolved: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Supreme Court Justices.

Adopted by the House January 10, 2022.

Adopted by the Senate January 10, 2022.

CHAPTER 103

HOUSE CONCURRENT RESOLUTION No. 5031

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period of time during the 2022 regular session of the legislature.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on February 23, 2022, and shall reconvene on March 1, 2022, pursuant to adjournment of the daily session convened on February 23, 2022; 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.

Adopted by the House February 23, 2022.

Adopted by the Senate February 23, 2022.

CHAPTER 104

HOUSE CONCURRENT RESOLUTION No. 5014

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 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: 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 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 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.

Adopted by the House February 21, 2022.

Adopted by the Senate March 23, 2022.

CHAPTER 105

HOUSE CONCURRENT RESOLUTION No. 5030

A Concurrent Resolution recognizing the growing problem of antisemitism in the United States and calling for the adoption of the International Holocaust Remembrance Alliance Working Definition of Antisemitism as an important tool to address the problem.

WHEREAS, Antisemitism, including harassment based on actual or perceived Jewish origin, ancestry, ethnicity, identity, affiliation or faith, remains a persistent and disturbing problem in American society; and

WHEREAS, The Jewish community continues to be targeted in the United States and is consistently the most likely of all religious groups to be victimized by incidents of hate; and

WHEREAS, Incidents motivated by antisemitism are increasing at an alarming rate; and

WHEREAS, The deadliest attack to date against the American Jewish community took place on October 27, 2018, at the Tree of Life Synagogue in Pittsburgh, Pennsylvania; and

WHEREAS, This senseless act of violence took the lives of 11 members of the Tree of Life, New Light and Dor Hadash congregations; and

WHEREAS, The Kansas Jewish community has experienced firsthand the deadly result of antisemitism; and

WHEREAS, On April 13, 2014, three people lost their lives due to antisemitic attacks at the Jewish Community Center of Greater Kansas City and the Village Shalom, both located in Overland Park, Kansas; and

WHEREAS, State officials and institutions have a responsibility to protect citizens from acts of hate and bigotry, including antisemitism, and must adopt the tools to do so; and

WHEREAS, Valid monitoring, informed analysis, investigation and effective policy-making benefit from accurate and uniform definitions; and

WHEREAS, In May 2016, the International Holocaust Remembrance Alliance (IHRA), by a consensus vote of its member states, adopted a Working Definition of Antisemitism; and

WHEREAS, The IHRA's Working Definition of Antisemitism includes eleven examples of contemporary antisemitism that capture some of the many ways antisemitism manifests itself, whether in public life, media, schools, the workplace or the religious sphere; and

WHEREAS, The IHRA's Working Definition of Antisemitism has become the internationally recognized and authoritative definition used by governments, international organizations and educational institutions; and

WHEREAS, The IHRA's Working Definition of Antisemitism is utilized by numerous government and law enforcement agencies, including the United States Department of State and the United States Department of Education, in monitoring, training and education; and

WHEREAS, The IHRA's Working Definition of Antisemitism has been adopted through legislative or executive action in an increasing number of U.S. states: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: The state of Kansas adopts the non-legally binding International Holocaust Remembrance Alliance Working Definition of Antisemitism, including the 11 contemporary examples; and

Be it further resolved: The Kansas Department of Administration shall ensure that the IHRA's Working Definition of Antisemitism is made available as an educational resource for all state agencies; and

Be it further resolved: Nothing in this resolution shall be construed to diminish or infringe upon any right protected under the First Amendment to the Constitution of the United States or the Constitution of the State of Kansas.

Adopted by the House February 23, 2022.

Adopted by the Senate March 23, 2022.

CHAPTER 106

HOUSE CONCURRENT RESOLUTION No. 5035

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period of time during the 2022 regular session of the legislature.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on March 23, 2022, and shall reconvene on March 28, 2022, pursuant to adjournment of the daily session convened on March 23, 2022; 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.

Adopted by the House March 23, 2022.

Adopted by the Senate March 23, 2022.

CHAPTER 107

HOUSE CONCURRENT RESOLUTION No. 5036

A Concurrent Resolution extending the 2022 regular session of the Legislature beyond 90 calendar days; providing for the adjournment of the Senate and House of Representatives for a period of time during such regular session.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the 2022 regular session of the Legislature shall be extended beyond 90 calendar days; and

Be it further resolved: That the legislature shall adjourn at the close of business of the daily session convened on April 1, 2022, and shall reconvene on April 25, 2022; 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.

Adopted by the House April 1, 2022.

Adopted by the Senate April 1, 2022.

CHAPTER 108

HOUSE CONCURRENT RESOLUTION No. 5022

A PROPOSITION to amend sections 2 and 5 of article 9 of the constitution of the state of Kansas to require that a sheriff be elected in each county for a term of four years.

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: Sections 2 and 5 of article 9 of the constitution of the state of Kansas are hereby amended to read as follows:

"§ **2. County and township officers.** *(a) Except as provided in subsection (b), each county shall elect a sheriff for a term of four years by a majority of the qualified electors of the county voting thereon at the time of voting designated for such office pursuant to law in effect on January 11, 2022, and every four years thereafter.*

(b) The provisions of subsection (a) shall not apply to a county that abolished the office of sheriff prior to January 11, 2022. Such county may restore the office of sheriff as provided by law and such restoration shall be irrevocable. A county that restores the office of sheriff shall elect a sheriff by a majority of the qualified electors of the county voting thereon for a term of four years. Such sheriff shall have such qualifications and duties as provided by law. The time of voting for the office of sheriff may be provided for by the legislature pursuant to section 18 of article 2 of this constitution.

(c) The filling of vacancies and the qualifications and duties of the office of sheriff shall be as provided by law.

(d) The legislature shall provide for such *other* county and township officers as may be necessary."

"§ **5. Removal of officers.** *(a) Except as provided in subsection (b),* all county and township officers may be removed from office, in such manner and for such cause, as shall be prescribed by law.

(b) A county sheriff only may be involuntarily removed from office by recall election pursuant to section 3 of article 4 of this constitution or a writ of quo warranto initiated by the attorney general."

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

"*Explanatory statement.* This amendment would preserve the right of citizens of each county that elected a county sheriff as of January 11, 2022, to continue electing the county sheriff. The amendment

would also provide that a county sheriff only may be involuntarily removed from office pursuant to either a recall election or a writ of quo warranto initiated by the attorney general.

"A vote for this proposition would preserve the right of citizens of each county that elected a county sheriff as of January 11, 2022, to continue electing the county sheriff via popular vote. The amendment would also direct that a county sheriff only may be involuntarily removed from office pursuant to either a recall election or a writ of quo warranto initiated by the attorney general."

"A vote against this proposition would not make any changes to the constitution and would retain current law concerning the election of a sheriff and the procedures for involuntary removal of a sheriff from office."

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 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.

Adopted by the House April 26, 2022.

Adopted by the Senate April 1, 2022.

CHAPTER 109

HOUSE CONCURRENT RESOLUTION No. 5037

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period of time during the 2022 regular session of the legislature.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on April 28, 2022, and shall reconvene on May 23, 2022, to conduct all legislative matters and to review and respond to any final decision or order issued by the Kansas Supreme Court in the case of Rivera v. Schwab regarding the constitutionality of the reapportioned United States Congressional districts enacted in 2022 Substitute for Senate Bill No. 355; 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.

Adopted by the House April 28, 2022.

Adopted by the Senate April 28, 2022.

CHAPTER 110

HOUSE CONCURRENT RESOLUTION No. 5038

A CONCURRENT RESOLUTION relating to the adjournment sine die of the Senate and House of Representatives during the 2022 regular session of the legislature.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the House of Representatives and two-thirds of the members elected to the Senate concurring therein: That the legislature shall adjourn sine die at the close of business of the daily session convened on May 23, 2022.

Adopted by the House May 23, 2022.

Adopted by the Senate May 23, 2022.

MESSAGES FROM THE GOVERNOR

Substitute for SENATE BILL No. 355

AN ACT concerning reapportionment; relating to congressional districts; providing for the reapportionment thereof; repealing K.S.A. 2021 Supp. 4-137 and 4-143.

Message to the Legislature of the State of Kansas

The process of drawing districts each decade is the core to ensuring that all Kansans have the opportunity to participate in their government and have their voices heard. The courts and the Legislature have established case law and criteria on how to draw Kansas districts fairly and constitutionally.

Those guidelines call for ensuring that districts are nearly equal to 734,470 in population as practicable while ensuring that plans have neither the purpose nor effect of diluting minority communities' voting strength. The guidelines call for protecting communities of interest, preserving the core of existing congressional districts, and ensuring that whole counties are in the same congressional district if possible. The Legislature's guidelines further state that "to a considerable degree most counties in Kansas are economic, social, and cultural units, or parts of a larger socioeconomic unit. These communities of interest should be considered during the creation of congressional districts."

SB 355, known as Ad Astra 2, does not follow these guidelines and provides no justification for deviation from those guidelines. Wyandotte County is carved into two separate congressional districts. Without explanation, this map shifts 46% of the Black population and 33% of the Hispanic population out of the third congressional district by dividing the Hispanic neighborhoods of Quindaro Bluffs, Bethel-Welborn, Strawberry Hill, Armourdale and others from Argentine, Turner and the rest of Kansas City, Kansas south of I-70. To replace lost population in the third district, this map adds in counties that are more rural to the south and west of the core of the Kansas City metropolitan area.

Ad Astra 2 also separates the city of Lawrence from Douglas County and inserts urban precincts of Lawrence into the largely rural Big First Congressional District, reducing the strength of communities of interest in Western Kansas and unnecessarily dividing communities of interest in Eastern Kansas.

Several alternatives would allow for the same deviation as Ad Astra 2 while protecting the core of the existing congressional districts and without diluting minority communities' voting strength. I am ready to work with the Legislature in a bipartisan fashion to pass a new congressional map that addresses the constitutional issues in Senate Bill 355. Together,

we can come to a consensus and pass a compromise that empowers all people of Kansas.

For those reasons, under Article 2, Section 14(a) of the Constitution, I hereby veto Senate Bill 355.

Laura Kelly, *Governor*

Dated February 3, 2022.

SENATE BILL No. 161

AN ACT concerning personal package delivery devices; definitions; operating requirements and restrictions; exemption from motor vehicle requirements; limitation of local regulation; requiring entities to submit annual fees and certification forms to the division of vehicles; amending K.S.A. 2021 Supp. 8-126 and repealing the existing section.

Message to the Legislature of the State of Kansas

I support advancements in technology to enhance our transportation network and delivery services. However, Senate Bill 161 allows delivery service businesses to operate large robotic delivery devices on sidewalks with few safety precautions. These precautions are particularly important in residential areas.

This bill does not clarify who is responsible for enforcing rules and regulations related to personal delivery devices other than requiring an annual fee and a certification form with minimal information. The provisions around minimum liability are also ambiguous and unclear in their application.

The Legislature must address these safety concerns before this bill becomes law. I'm ready to work with lawmakers on legislation that allows us to take advantage of technological advances while ensuring the safety of all Kansans.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto Senate Bill 161.

Laura Kelly, *Governor*

Dated April 11, 2022.

SENATE BILL No. 199

AN ACT concerning insurance; relating to health insurance; providing for short-term, limited-duration health plans; amending K.S.A. 40-2,193 and repealing the existing section.

Message to the Legislature of the State of Kansas

After reviewing this bill, I still have concerns about how it will hurt Kansas families. The plans provided under this bill do not cover pre-existing conditions and do not provide consumer protections. As a result, one medical emergency could cause a Kansas family to spiral into bankruptcy.

We already know that the solution to provide health care access for all Kansans, to bring thousands of jobs to our state, to save small businesses money, to protect our rural hospitals, and inject millions into our economy... is expanding Medicaid.

I encourage the Legislature to work with me to improve Kansans' access to affordable healthcare and join the 38 other states in expanding Medicaid.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto Senate Bill 199.

Laura Kelly, *Governor*

Dated April 11, 2022.

SENATE BILL No. 493

AN ACT concerning cities and counties; prohibiting the regulation of plastic and other containers designed for the consumption, transportation or protection of merchandise, food or beverages.

Message to the Legislature of the State of Kansas

The disposal and regulation of solid waste is traditionally a public policy issue that Kansans decide at the local level with input from local businesses, waste management providers, and private citizens. As this bill advanced through the process, no evidence was provided demonstrating why the Legislature had a compelling public interest to repeal city and county local control and home rule over these matters.

This issue is a local decision, and it should be left to local governments based on what's best for their constituents, stakeholders, and businesses in their community.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto Senate Bill 493.

Laura Kelly, *Governor*

Dated April 11, 2022.

SENATE BILL No. 58

AN ACT concerning education; relating to schools and school districts; establishing the parents' bill of rights.

Message to the Legislature of the State of Kansas

Throughout the pandemic, parents had to step up and do the impossible. Go to work. Take care of their children. Teach, tutor and facilitate their children's learning. When it comes to their children's education, parents can and should play a vital role. We know that parental engagement in their child's education greatly impacts the outcome.

This bill, however, is about politics, not parents. Over one hundred Kansas parents testified against this bill. It would create more division in our schools and would be costly. Money that should be spent in the classroom would end up being spent in the courtroom.

That's unacceptable, especially after our efforts to bring Democrats and Republicans together to fully fund our schools for the last four years.

I look forward to working with the Legislature in a bipartisan fashion on a bill that gives parents a seat at the table without harming school funding or exacerbating the issues facing our teachers.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto Senate Bill 58.

Laura Kelly, *Governor*

Dated April 15, 2022.

SENATE BILL No. 160

AN ACT concerning education; relating to student athletes; enacting the fairness in women's sports act; restricting participation on women's teams to female students; providing a cause of action for violations.

Message to the Legislature of the State of Kansas

Both Republican and Democratic Governors have joined me in vetoing similar divisive bills for the same reasons: it's harmful to students and their families and it's bad for business.

We all want a fair and safe place for our kids to play and compete. However, this bill didn't come from the experts at our schools, our athletes, or the Kansas State High School Activities Association. It came from politicians trying to score political points.

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 160.

Laura Kelly, *Governor*

Dated April 15, 2022.

House Substitute for Substitute for SENATE BILL No. 286

AN ACT concerning public health; relating to the governmental response to the COVID-19 pandemic in Kansas; crimes, punishment and criminal procedure; crimes against the public peace; creating the crime of interference with the conduct of a hospital; increasing the criminal penalty for battery of a healthcare provider; extending the expanded use of telemedicine 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, certain persons conducting business in this state and covered facilities for COVID-19 claims until January 20, 2023; amending K.S.A. 2021 Supp. 21-5413, 48-963, 48-964, 60-5503, 60-5504, 60-5508 and 65-468 and repealing the existing sections.

Message to the Legislature of the State of Kansas

This bill includes valuable provisions that I support, such as expanding telemedicine and criminal penalties for violence against health care workers in hospital settings.

During the pandemic, I worked with hospitals, frontline care workers, and stakeholders on a narrowly tailored compromise to protect our doctors and nurses responding to COVID-19 while ensuring Kansas patients still had appropriate protections. This was important for those working around the clock, caring for our loved ones during the height of the pandemic.

However, a last-minute provision was inserted into this bill which gutted our original carefully crafted compromise and indiscriminately broadened protections for health care providers, substantially reducing protections for Kansas patients.

I will work with the Legislature in a bipartisan fashion on a bill that returns the liability provisions to the original compromise language and include the provisions for telemedicine and enhanced criminal penalties for violence against health care workers in hospital settings so that both Kansas patients and our hard-working healthcare providers are protected.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto H Sub for Sub Senate Bill 286.

Laura Kelly, *Governor*

Dated April 15, 2022.

Senate Substitute for HOUSE BILL No. 2448

AN ACT concerning public assistance; requiring able-bodied adults without dependents to complete an employment and training program in order to receive food assistance; amending K.S.A. 39-709 and repealing the existing section.

Message to the Legislature of the State of Kansas

Every Kansan feels the price of the pandemic-induced inflation at the pumps and at the grocery store. The cost of food alone is one of the most significant contributors to inflation overall.

With the rising costs of these necessities, we should be helping people afford the basics. This bill would unnecessarily burden nearly 30,000 hard-working Kansans, including people caring for their families and impacting those with children.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto S Sub for House Bill 2448.

Laura Kelly, *Governor*

Dated April 15, 2022.

House Substitute for Substitute for SENATE BILL No. 267

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2022, June 30, 2023, June 30, 2024, June 30, 2025, June 30, 2026, and June 30, 2027, 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; authorizing and directing payment of certain claims against the state; amending K.S.A. 2021 Supp. 2-223, 12-1775a, 12-5256, 65-180, 74-50,107, 74-99b34, 75-2263, 75-6707, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171 and 79-4804 and repealing the existing sections.

Message to the Legislature of the State of Kansas

I want to thank the Legislature for their work and bi-partisan collaboration to pass House Substitute for Substitute for Senate Bill 267 – a budget that allows us to continue to improve core services while investing in our future and setting the stage for additional economic growth.

This budget completes a promise I made to close the Bank of KDOT, it restores and renews the state's commitment to higher education, it fully funds the state water plan, it provides historic funding for the most vulnerable and those who care for them, and it invests in our law enforcement and public safety officers.

Enhancements for workforce and economic development will allow Kansas to continue our record-breaking success in attracting and retaining businesses. The historic investment in moderate income housing will ensure that we have quality housing to recruit and retain families throughout the state.

Funding for state employee pay increases, updated equipment and resources, and facility upgrades will benefit the public and make a down payment toward appropriately rewarding Kansans who dedicate their lives to public service.

Finally, this budget preserves the funding necessary to eliminate the state food sales tax on groceries, benefiting all Kansans, while making a $500 million deposit in the state's Budget Stabilization Fund—by far the largest Rainy Day Fund investment in state history.

With all that this budget does accomplish, it could do more to ensure that all communities in the state have the access to healthcare that Kansans deserve and that prospective new residents expect. Given how new business growth requires a healthy workforce, I will continue to urge the Legislature to make the commonsense decision to expand Medicaid and return Kansas' federal tax dollars to our communities.

Therefore, pursuant to Article 2, Section 14(b) of the Constitution of the State of Kansas, I hereby return House Substitute for Substitute for Senate Bill 267 with my signature approving the bill, except for the items enumerated below.

Kansas Public Employees Retirement System—Exclusive Opportunity for Legislators

- Section 43(d) has been vetoed in its entirety.

Legislators must make an irrevocable decision when they begin public service to either join or decline enrollment in the Kansas Public Employees Retirement System (KPERS). The policy in Section 43(d) would create an exclusive opportunity for legislators to reverse the irrevocable decision that they consciously made when they elected not to join (KPERS). Other public employees including teachers, public safety officers, and nurses are not allowed this special election under law. Further, this provision likely would not be approved by the Internal Revenue Service if reviewed.

State Board of Regents—Special Line Item for Single Program

- The portion of Section 109(a) that reads as follows has been line-item vetoed:

  Benedictine college engineering program.....$200,000

Under the State Board of Regents budget, $200,000 is appropriated for a college engineering program at Benedictine College. This budget includes many enhancements for higher education, including significant increases in funding for grant programs for public and private postsecondary institutions. One of these appropriations is a $10,000,000 grant program in Section 29(f) that is reserved exclusively for the state's private and independent colleges. Benedictine College should apply for public funding for the college engineering program through this specifically designated appropriation for similar programs.

Laura Kelly, *Governor*

Dated April 19, 2022.

Substitute for SENATE BILL No. 34

AN ACT concerning public health; prohibiting a governmental entity or public official from ordering or otherwise requiring any individual to wear a face mask as a response to a contagious or infectious disease; prohibiting a governmental entity or public official from issuing or requiring use of a COVID-19 vaccination passport or discriminating against any individual based upon COVID-19 vaccination status; limiting powers of the governor and other governmental entities under the Kansas emergency management act related to face masks; modifying judicial review provisions related to 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; requiring court petitions challenging orders and similar actions by public officials relating to gathering limitations, business restrictions and religious gathering limitations to be ruled on without unreasonable delay; restricting the power of the secretary of health and environment and local health officers to order law enforcement to assist in execution or enforcement of orders related to isolation or quarantine; prohibiting the secretary of health and environment from requiring a test or inoculation for admission to and attendance at a school that has not received full approval by the federal food and drug administration for the student to whom the requirement applies; amending K.S.A. 65-129b and 72-6262 and K.S.A. 2021 Supp. 48-925, 48-932 and 65-201 and repealing the existing sections.

Message to the Legislature of the State of Kansas

I have consistently opposed vaccine passports and mandating any COVID-19 vaccination. However, this bill goes beyond COVID-19 and implements a one-size-fits-all approach for all infectious diseases. It significantly limits any government entity's response to any infectious disease outbreak.

As a result, this legislation creates significant safety concerns for workers, for employers, for the economy, and for all Kansans. Schools could not adequately respond to an outbreak of measles in a classroom, and manufacturing facilities could not respond to a tuberculosis outbreak.

Beyond that, our agricultural sector could not continue to fight the Highly Pathogenic Avian Influenza (HPAI). We have a responsibility to protect our critically important agricultural industry and the farmers and ranchers who feed the nation.

We need to be prepared for what's down the road to best protect Kansans. This bill puts the safety of all Kansans and our economy at risk.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto Substitute for Senate Bill 34.

Laura Kelly, *Governor*

Dated May 13, 2022.

Senate Substitute for HOUSE BILL No. 2252

AN ACT concerning elections; prohibiting the modification of election laws by agreement except as approved by the legislature; amending K.S.A. 25-125 and repealing the existing section.

Message to the Legislature of the State of Kansas

Elected officials must be able to perform their job duties effectively and efficiently. By prohibiting executive branch officers, including the Governor, Secretary of State, and Attorney General, from entering into agreements regarding the enforcement of election law, this bill prevents the executive branch from fulfilling its constitutional duties. House Bill 2252 represents an overreach by the legislative branch that defies the separation of powers – a principle fundamental to a working democracy. If passed, it would also lead to costly litigation at the expense of Kansas taxpayers.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto House Bill 2252.

Laura Kelly, *Governor*

Dated May 13, 2022.

HOUSE BILL No. 2387

AN ACT concerning the executive branch; relating to actions by state agencies and the governor; prohibiting the issuance of a request for proposal or entering into a new contract for the administration and provision of benefits under the medical assistance program; relating to the Kansas emergency management act; removing the authority of the governor to prohibit attending or conducting certain religious services and worship services; amending K.S.A. 2021 Supp. 48-925 and repealing the existing section.

Message to the Legislature of the State of Kansas

Having a transparent, competitive bidding process is key to ensuring that our state contracts provide the most value to Kansas taxpayers while using the latest technology and best practices. This is not only good for the State of Kansas, but also for our current MCOs and the people they serve.

The language included in HB 2387 regarding the current MCO contracts is a product of closed-door dealings to push legislation that did not have a single proponent. There is little question that this effort is fraught with legal issues and jeopardizes our Medicaid program. HB 2387 prohibits the state Medicaid agency from pursuing the state's independent procurement process and, by doing so, functionally provides the current MCOs with a no-bid, multi-billion-dollar contract.

We must favor transparency and fair competition over attempts to re-insert corruption into the state contracting process.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto HB 2387.

Laura Kelly, *Governor*

Dated May 13, 2022.

HOUSE BILL No. 2510

AN ACT making and concerning appropriations for the 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. 2021 Supp. 76-1959 and repealing the existing section.

Message to the Legislature of the State of Kansas

House Bill 2510 represents additional progress toward fulfilling many of the priorities that I set forth in January and that have been made possible only through our bipartisan work together over the past four years. Building on House Substitute for Substitute for Senate Bill 267, this bill provides additional investments in higher education, economic development, mental health, senior services, and veterans while leaving sufficient funding to provide over $1 billion in tax relief to Kansans through the legislation that I have signed to cut property taxes and axe the state's sales tax on groceries.

Some of the key investments in this legislation include improved access to mental healthcare, increased funding for senior nutrition, expanded training opportunities to prevent child abuse, and measures that build on our successful work to reduce the number of children who enter the foster care system. This bill includes additional investments in our regional universities and community and technical colleges, which are critical to our efforts to expand our workforce in the state of Kansas. And this budget ensures that all state employees will receive a pay increase of at least 5% this year in recognition of their service to the state.

Finally, due to our strong economic growth and unprecedented ending balances, this budget will allow us to pay off over $1 billion in debt over the next year.

Therefore, pursuant to Article 2, Section 14(b) of the Constitution of the State of Kansas, I hereby return House Bill 2510 with my signature, except for the item enumerated below.

State Board of Regents—Proviso Allowing Universities to Raise Tuition

- Section 36(b) has been vetoed in its entirety.

In my initial budget, I recommended $45.7 million in operating grant funding to higher education with the understanding that universities would freeze tuition. In addition to that, I allocated $23.9 million in funding for salaries. While the original operating grant funding has been reduced to an increase of $37.5 million in the final passed budget, overall, higher education in the state of Kansas is set to receive $1 billion this fiscal year. This is a historic investment that I am proud to support by approving the additional higher education funding included in HB 2510.

As a result of this significant infusion of new funding, I believe that the Regents institutions will be able to continue to hold tuition flat, making college more affordable for Kansans of all backgrounds. This is especially important if we, as a state, are going to provide the workforce needed to fully actualize the benefits and opportunities of our recent economic growth.

Laura Kelly, *Governor*

Dated May 16, 2022.

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